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JOURNAL

OF THE

INDIANA STATE SENATE,

DURING THE

FORTIETH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 6, 1859.

INDIANAPOLIS:
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1859.

JOURNAL

OF THE

SENATE OF INDIANA.

The fortieth session of the General Assembly of the State of Indiana, begun and held at the Capital, in the City of Indianapolis, on Thursday, the 6th day of January, in the year of our Lord, one thousand eight hundred and fifty-nine.

James H. Vawter, Principal Secretary of the Senate, directed a call of the Senators, whereupon the following Senators answered to their names and took their seats, to-wit:

From the county of Allen—Allen Hamilton.
From the county of Bartholomew—Smith Jones.
From the counties of Cass, Howard and Pulaski—Charles D. Murray.
From the counties of Clark and Scott—David McClure.
From the counties of Clay and Putnam—Archibald Johnston.
From the counties of Clinton and Carroll—James Odell.
From the counties of Crawford and Orange—Quinton Lomax.
From the county of Dearborn—Cornelius O'Brien.
From the county of Decatur—John F. Stevens.
From the counties of Delaware and Blackford—Walter March.
From the counties of Fayette and Union—Thomas W. Bennett.
From the county of Floyd—DeWitt C. Anthony.
From the county of Fountain—Isaac A. Rice.

From the counties of Gibson, Dubois and Pike—John Hargrove.
From the counties of Greene and Owen—Jason N. Conley.
From the counties of Hamilton and Tipton—John Greene.
From the counties of Hendricks and Boone—Solomon Blair.
From the county of Henry—Isaac Kinley.
From the counties of Jennings and Jackson—James E. Wilson.
From the county of Jefferson—John R. Cravens.
From the counties of Johnson and Morgan—William H. Jennings.
From the counties of Knox and Daviess—James D. Williams.
From the counties of Lagrange and Elkhart—John Thompson.
From the counties of Lake, Porter and Jasper—David Turner.
From the counties of Laporte and Starke—Morgan N. Weir.
From the counties of Madison and Grant—Harvey Craven.
From the county of Marion—John S. Bobbs.
From the counties of Martin and Lawrence—Thomas R. Cobb.
From the counties of Miami and Fulton—Hugh Miller.
From the county of Montgomery—Lewis Wallace.
From the counties of Monroe and Brown—William C. Tarkington.
From the counties of Noble, DeKalb and Steuben—Alanson W. Hendry.
From the counties of Ohio and Switzerland—Benjamin L. Robinson.
From the counties of Parke and Vermillion—George K. Steele.
From the counties of Posey and Vanderburgh—Magnus T. Carnahan.
From the county of Randolph—Daniel Hill.
From the county of Ripley—Robert W. Fisk.
From the county of Rush—Stanley Cooper.
From the counties of Shelby and Hancock—David Saunders Gooding.
From the counties of St. Joseph and Marshall—Rufus Brown.
From the county of Tippecanoe—Moses C. Culver.
From the counties of Vigo and Sullivan—William E. McLean.
From the counties of Wabash and Kosciusko—James D. Conner.
From the counties of Washington and Harrison—Horace Heffren.
From the counties of Whitley and Huntington—James R. Slack.
From the counties of Warren, Benton and White—George D. Wagner.
From the counties of Warrick, Spencer and Perry—John C. Shoemaker.
From the county of Wayne—Othniel Beeson.

The Hon. Abram A. Hammond, President of the Senate, being absent,

On motion by Mr. Murray,
The Senate proceeded to the election of President *pro tempore* of the Senate by a *viva voce* vote.

Mr. Murray put in nomination John R. Cravens, Senator from the county of Jefferson, for President of the Senate.

Mr. Slack put in nomination Lewis Wallace, Senator from the county of Montgomery, for President of the Senate.

The Senate proceeded to the election of President of the Senate *pro tem.*

Those who voted for John R. Cravens were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—24.

Those who voted for Lewis Wallace were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Tarkington, Williams and Wilson—21.

Mr. Cravens having received a majority of all the votes given, was thereupon declared duly elected President *pro tempore* of the Senate.

Whereupon the Secretary appointed Senators Wallace and Murray a committee to conduct the President elect to the Chair.

Mr. Cravens came forward, and after briefly addressing the Senate, took the Chair.

Mr. Johnston offered the following resolution:

Resolved, That the Senate will not pay to Secretaries or Doorkeepers more than three dollars per day for their services during the present session.

Mr. Stevens moved to amend the resolution by substituting the following:

Resolved, That it is inexpedient, at this time, to consider the subject of salaries of any of the officers of the Senate.

On motion by Mr. Johnston,
The amendment was laid on the table.

Mr. Heffren moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Johnston and Carnahan.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Cooper, Cravens, Culver, Green, Hamilton, Heffren, Hendry, Kinley, Murray, Odell, Rice, Slack, Steele, Stevens, Thompson, Wagner, Wallace and Weir—25.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Conner, Craven, Fisk, Gooding, Hargrove, Hill, Jennings, Johnston, Jones, Lomax, McClure, McLean, March, Miller, O'Brien, Robinson, Shoemaker, Tarkington, Turner, Williams and Wilson—23.

So the resolution was laid on the table.

On motion by Mr. Murray,
The Senate proceeded to the election of officers by a *viva voce* vote.

Mr. Murray put in nomination Jas. H. Vawter for Principal Secretary of the Senate.

Those who voted for James H. Vawter were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Greene, Hamilton, Hargrove, Heffren, Hill, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—47.

Mr. Vawter having received all the votes cast, was declared Principal Secretary of the Senate, to serve as such during the present session.

Whereupon Mr. Vawter took the oath of office and entered upon the discharge of his duties.

Mr. Hamilton put in nomination James N. Tyner, for Assistant Secretary of the Senate.

Mr. Conley put in nomination Henry S. Cawthorn, for Assistant Secretary of the Senate.

Those who voted for Mr. Tyner were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hendry, Hill, Jones, Kinley, March, Miller, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, and Weir—29.

Those who voted for Mr. Cawthorn were,

Messrs. Carnahan, Cobb, Conley, Fisk, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, O'Brien, Odell, Shoemaker, Slack, Tarkington, Wallace, Williams, and Wilson—19.

Mr. Tyner having received a majority of all the votes cast was thereupon declared duly elected Assistant Secretary of the Senate, to serve as such during the present session.

Whereupon Mr. Tyner took the oath of office and entered upon the discharge of his duties.

Mr. Heffren nominated George W. Sample for Principal Doorkeeper of the Senate.

Mr. Green nominated Ambrose F. Shortridge for Principal Doorkeeper of the Senate.

Those who voted for Ambrose F. Shortridge were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, and Weir—27.

Those who voted for George W. Sample were,

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Tarkington, Wallace, Williams, and Wilson—21.

Mr. Shortridge having received a majority of all the votes cast was thereupon declared duly elected Principal Doorkeeper of the Senate, to serve as such during the present session.

Whereupon Mr. Shortridge took the oath of office, and entered upon the discharge of his duties.

Mr. Jones nominated John Osborn for Assistant Doorkeeper of the Senate.

Mr. McLean nominated Benjamin F. Clark for Assistant Doorkeeper of the Senate.

Those who voted for John Osborn were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cooper, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Weir, and Wilson—27.

Those who voted for Benjamin F. Clark were,

Messrs Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Tarkington, Wallace, and Williams—20.

Mr. Osborn having received a majority of all the votes cast, was thereupon declared duly elected Assistant Doorkeeper of the Senate, to serve as such during the present session.

Whereupon Mr. Osborn took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Heffren,

Resolved, That the Secretary of the Senate inform the House that the Senate has organized by the election of Hon. John R. Cravens, President *pro tem.*, James H. Vawter Principal Secretary, James N. Tyner Assistant Secretary, A. F. Shortridge Doorkeeper, and John Osborn Assistant Doorkeeper, and that they are ready to proceed to business.

On motion by Mr. Murray,

Resolved, That the rules of the extra session of 1858 be adopted as the standing rules of the Senate for this session.

On motion by Mr. Wallace,

Resolved, That a committee of three be appointed to consider the expediency of electing a Reporter, whose duty it shall be to make a full report of the proceedings of the Senate, and cause the same to be published in the form and style of the "Legislative Sentinel" of the last session, and that they make inquiry into the cost of such a system of reporting, and report the same to-morrow morning.

The President appointed Senators Wallace, March, and Anthony said select committee.

On motion by Mr. Slack,

Resolved, That Joseph Curzon be requested to re-arrange the Senate Chamber, by removing the inner tier of columns and the super-

structure thereon, and extending the area of the chamber to the outer tier, and also so arrange the chamber by providing new furniture therefor, which will give to each Senator his separate seat and desk, and that a committee of three be appointed to superintend said contemplated change, if it can be accomplished.

The President appointed Senators Slack, Murray and Wallace said select committee.

On motion by Mr. Wagner,

Resolved, That when the Senate adjourn it adjourn till to-morrow at 9 o'clock.

On motion by Mr. Heffren,

Resolved, That a committee of three be appointed, to act with a like committee on the part of the House, to wait upon His Excellency, the Governor, and inquire when it would be convenient for him to deliver his message to the General Assembly.

The President appointed Senators Heffren, Hamilton, and Jones said select committee.

Mr. McLean offered the following resolution:

Resolved, That when the Senate adjourn on to-morrow in the forenoon, it adjourn to meet on Monday at 2 o'clock P. M.

On motion by Mr. Tarkington,
The resolution was laid on the table.

On motion by Mr. Heffren,

Resolved, That the Doorkeeper be instructed to provide seats inside the bar for such Reporters of the various papers as may desire them for the purpose of reporting.

On motion by Mr. McLean,
The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }
January 7, 1859. }

The Senate met.

The Journal of yesterday was read.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has organized by the election of Hon. Jonathan W. Gordon Speaker, R J. Ryan, Principal Clerk, George H. Chapman, Assistant Clerk, and Robert Jennings, Doorkeeper, and that they are now ready to proceed to legislative business.

Also, that the House has, in compliance with a resolution of the Senate to that effect, appointed Messrs. Ritter, Davis, and Blythe a committee, to act in conjunction with that of the Senate, to wait upon His Excellency, the Governor, and inquire when it would be convenient for him to deliver his message to the General Assembly.

The President laid before the Senate the following order of business for the government of the Senate:

ORDER OF BUSINESS.

I. Reading of the Journal.

II. Petitions, Memorials, and Remonstrances.

III. Reports from Standing Committees.

1 On Elections.
2 On Finance.
3 On Judiciary.
4 On Organization of Courts.
5 On Federal Relations.
6 On Education.
7 On Corporations.
8 On Military.
9 On Roads.
10 On Canals and Internal Improvements.
11 On Affairs of the Town of Indianapolis.
12 On Claims.
13 On the State Prison.

14 On Public Expenditures.
15 On Banks.
16 On Manufactures.
17 On Agriculture.
18 On Unfinished Business.
19 On Benevolent Institutions.
20 On Swamp Lands.
21 On Temperance.
22 On County and Township Business.
23 On Phraseology and Arrangement of Bills.
24 On Printing.
25 On Enrolled Bills.

IV. On Joint Committees.

1 On Public Buildings.
2 On State Library.
3 On Canal Fund.

V. Reports from Select Committees.

VI. Resolutions of the Senate.

VII. Joint Resolutions.

VIII. Bills.

IX. Orders of the Day.

By unanimous consent,
Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT:

The select committee appointed by the Senate, to act with a like committee on the part of the House, to wait upon His Excellency, the Governor, and to see at what time it would be convenient for him to deliver his message to this General Assembly, have performed that duty, and beg leave to report that it will suit his convenience to attend to that duty in the Hall of the House to-day at 2 o'clock, P. M.

Mr. Green offered the following resolution:

Resolved, That the Doorkeeper be directed to contract for and place upon the desks of the Senators, and officers of the Senate, three copies each of the Daily Journal and Sentinel, also, three copies of the Weekly American, Volksblatt, and Free Press, two of the aforesaid papers to be wrapped and stamped ready for mailing.

Mr. Gooding moved to amend the resolution by adding:

"And three copies of the Indianapolis Daily Citizen."

Mr. Heffren moved to refer the resolution and pending amendment to the special committee appointed on yesterday, to consider the propriety of employing a Reporter for the Senate, with instructions to inquire into the expediency of taking any or all of the papers named in the resolution.

Mr. Bobbs moved to amend the motion by requiring the committee to ascertain upon what terms the daily papers will publish the proceedings of the Senate, upon the Senate furnishing such report.

Mr. Green moved to amend the motion so as to refer the resolution and pending amendment to a select committee of three.

On motion by Mr. Johnston,
The resolution, pending amendments and motions, were laid on the table.

Mr. Heffren offered the following preamble and resolution:

WHEREAS, Under section 16 of article 7 of the constitution of the State of Indiana, declares that "no person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust and profit, under the State, other than a judicial office;"

AND WHEREAS, It is believed that Hon. Hugh Miller, Hon. Walter March, and Hon. D. S. Gooding, were each holding the office of Judge of the Court of Common Pleas in their respective common districts, and which term of office as said judge of said court extended and continued until the first day of January next after the election held in October, 1856, at which time it was pretended that said persons were elected as Senators;

AND WHEREAS, It being desirous that a proper construction of the said section of our constitution should be had upon this point, therefore,

Resolved, That a select committee of five be appointed by the Chair to inquire and examine into, and report whether the persons named in the preamble are entitled to their seats in this body, in accordance with section 16th of the constitution.

Mr. Wallace moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Heffren and Tarkington,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Carnahan, Cobb, Conner, Culver, Fisk, Hamilton, Jennings, Johnston, Jones, Odell, Rice, Robinson, Slack, Stevens, Wallace, Weir, and Wilson—19.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Brown, Conley, Cooper, Cravens, Craven, Green, Hargrove, Heffren, Hendry, Hill, Kinley, Lomax, McClure, Murray, O'Brien, Shoemaker, Steele, Tarkington, Thompson, and Turner—22.

So the resolution was not laid on the table.

Senators Gooding, March and Miller were excused from voting.

The question being, shall the resolution be adopted?

The ayes and noes being demanded by Senators Heffren and Tarkington,

Those who voted in the affirmrtive were,

Messrs. Anthony, Beeson, Brown, Conley, Cravens, Craven, Green, Hargrove, Heffren, Hendry, Hill, Kinley, Lomax, McClure, Murray, O'Brien, Shoemaker, Steele, Tarkington, Thompson, and Turner—21.

Those who voted in the negative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conner, Cooper, Culver, Fisk, Hamilton, Jennings, Johnston, Jones, Odell, Rice, Robinson, Slack, Stevens, Wallace, Weir, and Wilson—20.

So the resolution was adopted.

Senators Gooding, March, and Miller were in their seats and were excused from voting.

The President appointed Senators Heffren, Murray, Conner, Bennett and Anthony said select committee.

Mr. Slack, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred the subject matter of re-arranging the Senate Chamber, and procuring new furniture therefor, would respectfully report that they have made an arrangement with Joseph Curzon, architect, to remove the inner tier of columns in each side of the chamber, which work, he assures us, can be accomplished between Friday noon and Monday noon, without interrupting the deliberations of the Senate. Your committee would fnrther report that they have made arrangements with John Ott, Esq., for re-furnishing the chamber with new seats and new desks, which

are to be so arranged in the chamber, that each member can have his separate desk and seat, thereby avoiding the necessity of crawling over each other in order to reach a remote part of the chamber. Your committee deem all these changes absolutely necessary, having a due regard to the comfort and convenience of the members, and the quiet and order of the Senate.

Which report was concurred in.

On motion by Mr. March,
The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am instructed by the House of Representative to inform the Senate of the passage of the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives this day at 2 o'clock, P. M., to receive the communication of His Excellency, the Governor, and that seats will be prepared in the right of the Speaker's chair for the accommodation of Senators.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. March,
The invitation of the House was accepted.

The President laid before the Senate the following communication from the Secretary of the Senate:

To the Senate of Indiana:

GENTLEMEN: In accordance with a resolution of the Senate, I contracted with Messrs. Bingham & Doughty for the binding of one hundred copies of the *Legislative Sentinel* in the same style as the Acts of the Legislature are bound, at twelve and a half cents per copy.

Respectfully,
JAMES. H. VAWTER.

On motion by Mr. Weir,
The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Conner moved that the Senate now proceed to the Hall of the House of Representatives to receive the message of His Excellency, the Governor;

Which was agreed to, and

The Senate, preceded by the President, thereupon repaired to the Hall of the House, where the Throne of Grace was addressed by the Rev. George P. Tindall.

The Governor then delivered the following message to the two Houses of the General Assembly.

Senators and Representatives:

At the special session of the General Assembly, I asked your consideration of those questions only which I thought demanded your immediate attention; and deferred, until the present, any recommendations except those which should be presented to you at the time when the Constitution of the State required that you should assemble as the Representatives of the people.

On the 9th of March, 1852, an act was approved, entitled "An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers."

Under this law, associations have been formed, that have arrested and punished individuals, without bringing them for trial before the ordinary and legal tribunals of the State. It is better that every person, charged with a violation of the law, should be arraigned before, and tried by the courts of justice. I recommend to you the repeal of that law. There would be no necessity at any time for honest men to form associations for the purpose of arresting and punishing criminals, if the State and counties made a sufficient allowance to indemnify their police officers in arresting and bringing to trial those who violated the law. You cannot expect that the sheriffs and other police officers will devote their time, and expend their money to bring those who violate the law before the tribunals of justice, unless they receive a reasonable compensation. While this class of officers are unpaid, we may expect that an indignant people, who have been outraged by criminals, will disregard the law, and punish without authority those whom they believe have done wrong.

Section 2 of Article 4 of the Constitution of the United States

requires that "a person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

During my term of service I have declined to surrender to the authorities of other States, those persons who are charged with offences which, at the time of the establishment of the Constitution of the United States, were misdemeanors.

Since the adoption of this section of the Constitution, several of the States have so changed their laws that many offences which were then misdemeanors are now declared felonies. The authors of this section, evidently, in providing for the surrender of fugitives from justice, intended to include those only who are charged with crime, and not those who were charged with misdemeanors. It was not their intention to require of a State that one of her citizens should be surrendered to another State, when he was simply charged with that which was then a misdemeanor, although a State making such demand, should, by her law, declare that what was then a misdemeanor is now a felony. For instance, when the Constitution was adopted, an assault and battery was a well known offense and legally defined a misdemeanor. No State had a right to change the character of that offense from a misdemeanor to a felony, and upon a person being so charged with such alleged felony, escaping from the State of his residence to another State, require of the authorities of that State his return. Without any such provision in the Constitution, each State would be at liberty to surrender or not, any person within her borders charged with an offense. There being no act of the Legislature directing that a person should be delivered up, I have considered the Constitution of the United States as alone controlling the surrender of fugitives from justice.

The citizens of the State are deeply interested in the preservation of the public records. Hitherto there has been no safe depository for them. The officers of State have been compelled to rent rooms in which to place the records. It is impossible in this city to secure the use of rooms that are safe against accident or crime. If many of the counties are willing to make large expenditures in the erection of buildings for the preservation of their records, I am satisfied that the State can, with far greater propriety, provide a building for a similar purpose. The destruction of the records of the State would entail upon her citizens lasting conflicts concerning the rights of property. The expense of the litigation which would arise from their destruction would far exceed any expense in the erection of a building suitable to accommodate all the officers of State. I suggest to you, therefore, the propriety of erecting at any early day, upon some of the public grounds, a building wherein the Judges of the Supreme Court and the officers of State may be enabled to preserve the public records.

The Trustees of the Wabash and Erie Canal reported to me, in

Dec., 1857, the condition of that work. The report for the year 1858 will be laid before you at an early day, which will inform you as to its present condition. I regretted to see, in their report of 1857, that its revenues were greatly diminished; and I am informed that during the past year there has been no improvement. It is, indeed, feared that the revenues will prove wholly inadequate to keep the canal in repair, and that by them alone it cannot be maintained. I am further informed that the bondholders are unwilling to sustain the work by any other means than those derived from its revenues, having already invested one-half of the entire debt of the State in the work itself, besides advancing $800,000 for its completion. They have informed the Board of Trustees, in the most formal manner, their determination to close the canal, and abandon the work, whenever its tolls and revenues shall be inadequate to its support. The report of 1858 will disclose the extent and nature of the action of the bondholders.

The abandonment of the work would seriously embarrass those who reside in the vicinity of the canal. If the work should be abandoned by the Trustees, there is no law under which it could be maintained.

Frequetly the attention of the Legislature has been called to the necessity of increasing the salaries of the judicial, administrative and executive officers of the State. Section 12 of Article 1 of our Constitution declares that "justice shall be administered freely and without purchase, completely and without denial, speedily and without delay." Upon examination I find there are more than nine hundred undecided cases in the Supreme Court.

The law requires the Judges of the Supreme Court to be present at the Capitol but sixty days in each year. That is as much time as they can spend here upon their present salary. If they receive a compensation sufficient to enable them to devote more of their time at the Capitol to the consideration of the judgments they are required to revise, the number of undecided causes would be much diminished. The citizens of the State must be greatly embarrassed for the want of decisions concerning their personal liberty and rights of property. Believing that the most ready mode of securing early decisions would be to enable the Judges of the Supreme Court to remain longer in consultation, I recommend to you such an increase in their salaries as will support them in the discharge of their duties, and afford them a reasonable compensation for their expense and labor. They would be greatly aided if they were supplied with a sufficient library. They should be authorized to purchase, for the use of the Court, a library over which they shall have the entire control.

While I have thus urged the necessity of the increase of the salaries of the Judges of the Supreme Court, I do not regard it as less your duty to provide for the Judges of the Circuit Courts. Many able and accomplished lawyers have accepted positions as Circuit Judges, entertaining the hope that the Legislature would be willing

to pay them a reasonable compensation for their services. It would be difficult to select many among them who would not receive in the practice of their profession more than twice that which they receive for their official services. The State has no right to require of one of her citizens that he should toil to see that crime is punished and justice admininistered, without giving that citizen a reasonable compensation.

No increase or diminution of the salary of the Governor of the State can be made after his term of service commences. Before the next regular session of the General Assembly the people of the State will have elected a Governor. Inasmuch as their is but a short time intervening between the commencement of said session and the inauguration of the Governor elect, I regard it your duty to take into consideration the subject of his salary. I have no hesitation in recommending to you that pou provide for him such a compensation as is worthy of the State of Indiana.

The laws of the State in regard to the qualification of voters and the election of officers are inadequate to protect the suffrages of honest men against fraud. On several occasions within the last few years men have left the county of their residence, gone to others, where they had no permanent homes, where they did not intend to remain longer than the day of election, have there cast their votes, and thus determined who should be the officers and representatives of the counties they visited. The inspectors of elections, in some of the townships, have denied to legal voters the right of expressing their choice of officers.

A government wich depends entirely upon the action of a majority of her people cannot be maintained for any length of time unless that people are permitted to determine, without violence or fraud, who shall be their officers and representatives. Every citizen who is desirous of maintaining peace, every citizen who is attached to, and willing to sustain our form of government, should be anxious that no illegal vote should ever be cast, and that no legal voter should be deprived of the right to cast his vote. A law should be passed inflicting severe penalties upon the officers who superintend elections, if they decline to receive a legal vote, or if they admit one which is illegal. Likewise provision should be made to punish criminally any man who leaves the county of his residence, goes to another with the intention of there voting and then returning to his home.

If an illegal voter could be punished by imprisonment in the State Prison, bad men would be deterred from wrongfully voting.

The General Assembly of 1857 failed to make any appropriation for the benevolent institutions. The reason for that failure was, I think, not to be found in any hostility entertained by the members of the Legislature to those institutions. They knew that the constitution of the State provided for their support, and that they were objects of charity around which the hearts of their constituency

clustered with affection. No appropriation having been made for their support, the question arose, whether they should be closed, or the money in the treasury paid out for their support. Believing that the Constitution of the State reflected the will of her people, and not being authorized by law to control the action of the Treasurer of State, I did not hesitate to advise him to advance any unappropriated funds in his possession to maintain every institution. He doubted whether he had the power thus to act. By his failure to advance the necessary means the Hospital for the Insane was closed on the 3d day of April, 1857, and the Institution for the Education of the Deaf and Dumb on the 10th of the same month, that for the education of the Blind not until the close of its regular term. The Treasurer of State upon more mature reflection, became satisfied that you would approve his conduct if he advanced the means to sustain the institutions. He accordingly signified a willingness thus to act. Thereupon the officers of State on the 16th of September, 1857, by unanimous resolution, advised him to pay the money of the State in his possession to sustain those institutions, and they were opened. He has paid from the treasury the money for their support, and for this advance by him I recommend that an appropriation be made.

Whatever conflict of opinion may exist concerning national or State policy, on other subjects, I am unwilling to believe that it is essential to the success of those who entertain either the one opinion or the other, that the most afflicted of our people should be deprived of the education and comforts which can alone make life to them desirable, much less that those who have been deprived of reason should be denied the best hope of restoration. If economy alone was consulted, these Institutions cost less than the counties would be required to pay in sustaining their inmates at home. In addition to that, there are secured to the Deaf and Dumb and Blind far better opportunities for improvement, where they are gathered together in numbers, competent teachers secured, who devote the service of a life to their improvement. And as to the inmates of the Insane Hospital, every well advised physician will express his opinion that the best prospect for the restoration of their reason is to be found in placing them in the asylum. The institutions have been conducted with economy and skill. The reports of their officers urge upon you that appropriations be made for the enlargement of the Hospital for the Insane, and the repair of the others. I most cheerfully join with them in their recommendations.

I recall your attention to the condition of the Penitentiary. The number of convicts there confined is 484. The prison is crowded so that they cannot be employed with profit. When the warm season arrives there will be great danger of disease. With reference to the remedy which should be applied, I refer you to the message delivered at the special session. The reports of the Directors and Warden will be laid before you. They exhibit the result of the system adopted for the government and management of the State Prison.

So far as the health and discipline of the prisoners are concerned the result of the new organization has been beneficial. The Stat has pecuniarily suffered no loss.

On the 28th of January, 1834, an act was approved establishing a State Bank. Said act, by its terms, ceased to be a law on the 1st of January, 1859. Under this law the Bank commenced and continued its operations as a corporation authorized to issue and circulate notes, discount paper, and transact all other ordinary banking business, until the 1st of January, 1857. At that time its outstanding circulation was $4,208,725, with a debt due to the institution, principally from citizens of this State, of $6,095,368 12. Between the 1st of January, 1857 and 1859, the Bank redeemed nearly its entire circulation and provided amply for the redemption of that which has not been returned. She has collected from most of her debtors the money which they owed. The gentlemen who have conducted this institution are entitled to credit for the ability they have exhibited in the management of its affairs. The State was interested in the Bank. She invested in its stock $1,390,000. The money to make that investment was procured by the issuing of 5 per cent. bonds, the last of which will be payable July 1st, 1866. The President of the Bank and four Directors, all chosen by the Legislature, were constituted a Board of Commissioners of a Sinking Fund. They were charged with the duty of receiving the dividends upon the State stock, paying the interest upon the bonds, and investing the surplus in mortgages upon real estate, for the benefit of the fund. The gentlemen who at various times have had charge of this Fund have managed the same with care and fidelity. The report of the Commissioners shows that its nominal profits are $2,780,604 36. By the law creating the Sinking Fund that Fund was appropriated: First, to pay the principal and interest upon the bonds; second, the expenses of the Commissioners; and lastly, to the cause of Common School education.

The faith of the State being thus solemnly pledged, enabled those who negotiated the bonds to sell them at a premium of $29,496 92. There is now due upon these bonds $979,000, payable between the 13th of September, 1864, and July 1st, 1866. Unless the fund should be diverted from its original purpose, those who control it will at all times be able to pay promptly this indebtedness. But had there been no interference on the part of the Legislature with the original act, that fund would now amount to $3,000,000, and by the time the interest can be drawn for common school purposes, more than $4,000,000.

Unfortunately, however, during the years 1841 and 1842, $676,308 04 were applied to other purposes. True, the State engaged to return the amount with interest. This, however, has not been done. But without resorting to the collection of the mortgages held by the Commissioners, there are $1,052,896 25 of available means. This will be sufficient to pay the bonded debt.

I think the State should not divert any more of the fund to the

ordinary expenses of the Government. Justice to the holders of the bank bonds requires that an amount sufficient to meet them when due, should always be at the command of the Commissioners. And the interest of education in this State requires not only the preservation of what remains of the fund, but an early return of all that the State has drawn from it. Those who, twenty-four years ago, saw in the future the prospect of creating a common school fund, not by taxation, but by a faithful administration of the law, are worthy of our commendation. They believed that it was the duty of every citizen of the State to lend whatever influence he had to the education of the sons and daughters of Indiana. Shall we, at this day, when from the result of their action a noble fund has been created, lay our hands upon and destroy it forever? Some there are who do not favor the education of the children of the State.

Great injustice is sometimes done in providing by taxation the means necessary to sustain the schools. But here is a fund which never cost a citizen of the State one dollar, which, if left untouched, will in 1866, amount to over $4,000,000. After that its annual interest will be equal to one-half our present school tax. I hope, therefore, that this fund may remain where it was originally placed. The term of service of the Sinking Fund Commissioners having expired on the 1st of January, 1859, I recommend that you establish by law, a Board, conferring upon them full power to settle with the late Commissioners, and receive from them the funds and securities in their possession.

At your last session a bill was passed continuing the late board until the first Monday of April, 1859. I withheld my approval of that bill for the reasons presented in my message. I entertain no doubt that the fund would be entirely safe in the hands of the late commissioners, and that they would manage it with integrity and ability.

The constitution gave the Legislature the power of establishing two systems of banking in this State. The first Legislature which assembled after the adoption of that constitution, passed a general banking law, under which ninety-one banks were organized. Before the meeting of the Legislature in 1855, experience showed that the law which authorized their establishment was insufficient

Forty-one of them had failed to redeem their circulation. The friends of the general banking system seeing the deficiency in the law, urged the passage of the act of March 3, 1855. Since the passage of that law there has been but one bank, organized under it, that has failed to redeem its circulation. At the same session of the Legislature, an act was passed establishing the Bank of the State of Indiana. The full amount of stock required by law was subscribed, and the bank commenced its business. Its circulation is now $4,502,346. Its notes and bills discounted, $5,154,549 07. Its cash on hand in gold and silver, $1,685,894 93. From the time that these laws were passed, the currency authorized by the State has been promptly redeemed, although in the intermediate time, the financial

crisis of 1857 has been passed. When you consider that between the passage of these laws and the present time, the State Bank has withdrawn four millions of dollars of her circulation and called in six millions of dollars of indebtedness, in which the State was deeply interested, and without which laws the State Bank would have been unable in so short a period of time to collect the debts due to her,—one half of which belonged in reality to the State, you must regard the legislation of that session as highly beneficial to the financial interests of the people as any could have been which provided for the establishment of banks and the circulation of a paper currency. The Bank of the State has quietly acquired the position occupied by the old State Bank. Those who formerly directed the one now control the other.

If the rule could be uniform throughout the United States it would perhaps be better that no paper currency was circulated. But, inasmuch as that uniformity is practically impossible, I think Indiana has established as safe systems of banking as any other State in the Union, giving to her people as high security for the redemption of the notes of the banks as any other State.

The last Legislature levied no taxes for the years 1857 and 1858. The officers of State were therefore deprived of the ordinary revenue which should have been provided to sustain the various departmsnts and institutions of the State. Believing that there was no reasonable prospect that the members of that Legislature, if reassembled, would change their policy or action, I did not call them together, choosing rather to wait until the people had elected other representatives. Notwithstanding the failure of the Legislature to levy the taxes, the officers of State have endeavored to carry on the government, and in so doing they present to you, as the result of their action, that they have only been required to borrow $330,000—$165,000 in June, and $165,000 in December, 1858—which has been applied to the payment of the interest upon the public debt. They have paid from the General Fund to the Swamp Land Fund $83,000. They have drawn from other funds about $200,000.

If the revenue for those years had been collected, upon an assessment equal to that of 1856, it would have amounted, in the two years, to $1,200,000, which would have left in the Treasury now $800,000 of a surplus. Still, with all this failure to raise the revenue, there is yet in the Treasury sufficient means to sustain the government until the 1st of next March; and if authority is given to negotiate a temporary loan for $250,000, the revenue which will be derived from the taxes of 1859 and 1860, levied at your last session, will pay every debt created and sustain the government until the end of the year 1861.

The taxes of the State must necessarily be collected by the county officers. Hitherto they have had no direction by law, as to the kind of money they should receive; the result of which has been that the Treasurer of State, in times of financial difficulty, has been compelled to exercise his discretion in receiving from the Treasurers

the money they had collected. Between the time of the receipt of such money by the county treasurers and paying of the same to the State, much of it has depreciated in value. While the county treasurers acted in good faith, receiving for the State's taxes the ordinary currency of the country, it would have been wrong for the State to decline accepting the same from them, and it would have been equally wrong to hold the Treasurer of State responsible for any depreciation in such currency while in his possession. But in the receiving, holding and paying out of the money thus collected the State has sustained many losses.

The State has never yet provided a safe depository for her money. While the Treasurer has been required to give a bond for the faithful return of all by him collected, he has been compelled to exercise his judgment in selecting the place where it should be deposited. The result of the exercise of this judgment has sometimes been unfortunate. Is it not therefore better that the Legislature should determine by law the kind of money which shall be received by the various county treasurers for State taxes, and provide a suitable place of deposit in which the Treasurer of State shall retain it, until the laws require its disbursement. In determining the kind of money to be received, is not the highest safety of the State secured in requiring it in the constitutional currency of the government? If you provide that the taxes may be paid in the notes of banks, you simply loan to those institutions the taxes you have collected. You also confer upon the Treasurer the power to discriminate between the various banks what bills he will first disburse.

The effect of conferring upon the Treasurer this power to discriminate as to what money he will pay out endangers the public funds. I therefore earnestly recommend that a law be passed providing that the taxes of the State shall be collected in legal currency; that a safe building be erected, in which such money shall be placed; that the Treasurer of State receive a proper compensation for guarding and preserving the same, and he be required to pay, when legally demanded, the same money he has received; and that if he deposits any of it in any other place than the one established by law, or loans any of it to any individual or corporation, he shall be punished.

I am desirous of co-operating with you in the enacting of any law which will inure to the welfare of the people we represent and the interest and honor of the State of Indiana.

ASHBEL P. WILLARD.

The President then declared that the business for which the two Houses of the General Assembly had been called together was concluded; and

The Senate returned to its chamber.

On motion by Mr. Wallace,

Resolved, That when the Senate adjourns, that it adjourn till Monday next at 2 o'clock, P. M.

On motion by Mr. Heffren,
The Senate adjourned.

MONDAY, 2 o'cock, P. M.
January 10, 1859.

The Senate met.

The Journal of Friday was read.

Hon. Aaron B. Line, Senator from the country of Franklin, and Hon. David Studabaker, Senator from the district composed of the counties of Adams, Wells and Jay, appeared and took their seats.

On motion by Mr. Hargrove,

Resolved, That five thousand copies of the late message of His Excellency, Governor Ashbel P. Willard, be printed for the use of the Senate, two thousand copies of which to be in the German language, and the same to be made the special order of business for tomorrow at 2 o'clock, P. M.

The President laid before the Senate the following communications:

OFFICE OF SECRETARY OF STATE,
Indianapolis, January 7th, 1859.

Gentlemen of the Senate:

I have the honor to lay before you, in pursuance of the constitution, enrolled act No. 102. An act to continue the present Board of Sinking Fund Commissioners, consisting of a President, four Commissioners, and one Clerk, from the first of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified, together with the Governor's objections thereto.

Respectfully,
CYRUS L. DUNHAM,
Secretary of State.

Gentlemen of the Senate:

On the 23d day of December, 1858, enrolled bill of the Senate No. 102, entitled "An act to continue the present Board of Sinking Fund Commissioners, consisting of a President, four Commissioners and one Clerk, from the first of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified," was presented to me for approval. All said offices were created by virtue of an act entitled "An act establishing a State Bank," approved January 28, 1834, and the term of service of the person holding either of said offices, expires on the first of January, 1859. Since the approval of said act a new constitution has been adopted by the people of this State, the 13th section of article 2 of which provides, that "*all elections by the people shall be by ballot, and all elections by the General Assembly, or by either branch thereof, shall be viva voce.*"

This section of the Constitution evidently contemplated that no person can be elected by the General Assembly to an office by an act of the Legislature. The office must first be created by law, and the person selected to fill the office must be chosen *viva voce* by the General Assembly. Entertaining the opinion that there is no power vested by the Constitution to create or extend, by an act of the Legislature, the term of service of an officer, chosen by the General Assembly, I withhold my approval of the bill.

ASHBEL P. WILLARD.

Mr. Hamilton offered the following resolution:

Resolved, That the Secretary of the Senate be requested to lay upon the desk of each Senator a quantity of stationary, not exceeding three dollars in valuation, at acutual cost.

On motion by Mr. Heffren,
The resolution was laid on the table.

Mr. Tarkington offered the following resolution:

Resolved, That the Secretary of State be required to purchase in the most economical manner, all the stationery necessary for the Senate, and that the Principal Secretary of the Senate apply for the same when needed, and place the same in charge of the Doorkeeper, who shall take charge of the same, by himself or assistant, during the session, and deliver to Senators when needed, and all such stationery as may not be used, on adjournment, shall be returned to the Secretary of State.

Mr. Heffren moved to amend by striking out the words, "and place in charge of the Doorkeeper."

Mr. Miller moved to amend the amendment by giving to each Senator $3 50 worth of stationery at actual cost.

Mr. Heffren moved to lay the resolution and pending amendments on the table.

Which was not agreed to.

On motion by Mr. Green,

The pending amendments were laid on the table.

On motion by Mr. March,

The resolution was amended by adding:

"All officers of the Senate, their assistants, and employees are prohibited from making any account for anything for the use of the Senate, except upon the written or personal order of the Secretary of the Senate."

The resolution, as amended, was adopted.

On motion by Mr. Heffren,

Resolved, That the Clerk of the House be requested to deliver to the Secretary of the Senate all bills which were introduced into the Senate at the special session and are now on file in House of Representatives and which failed to pass that body.

On motion by Mr. Weir,

Resolved, That the Doorkeeper and Assistant, and Secretary and Assistant, report the number of persons employed and the names of each, and the general duties to be performed by them, and that report be made to-morrow.

Mr. Wallace, chairman of a select committee, made the following report:

MR. PRESIDENT:

The committee to whom was referred the resolution relative to the election of a reporter, &c., have had the same under consideration, and beg leave to make the following report:

Heretofore both Houses have been indirectly paying for a reporter for the Journal and Sentinel and subscribing for papers of the city generally. That system cost the State for the session of 1857 as follows:

Locomotive	$77 62
Sentinel Company	946 40
Journal Company	946 40

Volksblatt	218 40
Free Press	80 40
Total	2,269 62

The printing expenses of the Senate will be in the neighborhood of one-half of that amount. Your committee are not able to inform the Senate of the total cost of printing bills to be laid on the table of Senators. It ranges, however, from ten to fifty dollars per bill. They have heard of one bill that cost seventy dollars.

Your committee are satisfied that the elective reporting system has many advantages over the other—

1st. It is more economical. In proof of this, beg leave to submit the proposition of Mr. W. H. Drapier, in which he undertakes to report and print the proceedings of this body, at a cost of not more than $400 for each 200 pages; the same to be in the convenient form of the Legislative Sentinel of the last session, and twelve copies of it to each Senator, to be laid on their tables each morning. In addition, he will charge per diem of five dollars, for his services. In the body of his Sentinel or report he further proposes to print each bill offered by Senators, or such bills as the Senate order him to print.

2d. In this way information can be better conveyed to our respective constituencies of our daily proceedings. Twelve full reports of those proceedings will thus be at the disposal of each Senator. Other advantages might be detailed. In conclusion, your committee recommend the adoption of the newly proposed system, and suggest the passage of the following resolution:

Resolved, That the Senate proceed to the election of a reporter on to-morrow at 10 o'clock A. M., and that a committee be appointed to contract with the person elected as to the style, form and matter of his report, and the cost of the same, and the per diem to be allowed him; *Rrovided*, they do not exceed in the latter particulars, the proposition of Mr. W. H. Drapier, herewith submitted.

I propose to print the reports, in the style of those in the Legislative Sentinel of the last session, at such rates as that 200 pages shall not exceed the cost of $400, laying twelve copies of the same on the table of each Senator every morning. But I am not willing to make said reports for less than a per diem of $5.

W. H. DRAPIER.

On motion by Mr. Bobbs,

The report was recommitted to the same committee, and the committee was instructed to ascertain upon what terms the daily papers of the city will publish the daily proceedings of the Senate, the latter furnishing such report, and that the committee be a joint committee, to act with a similar committee on the part of the House.

Mr. Slack offered the following resolution:

Resolved, That until otherwise ordered, the Door-keeper procure for the use of the Senate, one copy each of the *Daily Sentinel* and *Journal*.

Mr. Weir moved to amend the resolution by striking out from the resolving clause and inserting:

"That the door-keeper be instructed to furnish each Senator and officer of the Senate with three copies each of the Daily Sentinel and Journal, two copies enveloped and stamped; and also three dollars worth of postage stamps for each Senator and officer."

Mr. Johnston moved to lay the resolution and pending amendment on the table.

Mr. Heffren called for a division of the question.

The question being, shall the amendment lay on the table,
It was agreed to.

Mr. Turner moved to amend the resolution by inserting three copies of the Volksblatt, enveloped and stamped.

On motion by Mr. Heffren,
The amendment was laid on the table.

Mr. Stevens moved to amend by inserting the "Indiana Weekly American and Volksblatt."

On motion by Mr. Tarkington,
The amendment was laid on the table.

The question being, shall the resolution be laid on the table,
It was not agreed to.

The resolution was adopted.

Mr. Murray offered the following resolution:

Resolved. That the following be appointed the Standing Committees for this Senate for the present session:

I.—*Judiciary.*

Messrs. March, Anthony, Gooding, Murray, Cobb, Rice, McLean, Hendry, Wallace, Conner, Bennett, Slack and Heffren.

II.—*Finance.*

Messrs. Rice, March, Heffren, Steele, Hamilton, Jones, Beeson, Conley, Blair, Carnahan and Craven.

III.—*Organization of Courts.*

Messrs. Murray, Hendry, Heffren, Green, Conner, McClure, Weir, Studabaker and Johnston.

IV.—*Elections.*

Messrs. Hendry, Cravens, Jones, Wagner, Jennings, Bobbs, Lomax, Robinson and Fisk.

V.—*Federal Relations.*

Messrs. Craven, Thompson, Hargrove, Hill, Miller, Cooper, Line, Brown, Jones and Heffren.

VI.—*Education.*

Messrs. Wagner, Kinley, Wallace, Cravens, McLean, Culver, O'Brien, Anthony and Tarkington.

VII.—*Corporations.*

Messrs. Conner, Blair, Studabaker, Green, Cobb, Steele, Tarkington, Stevens and Gooding.

VIII.—*Military Affairs.*

Messrs. Brown, Carnahan, Robinson, Miller and Blair.

IX.—*Roads.*

Messrs. Cooper, Culver, Williams, Beeson, Hargrove, Conley, Johnston and Slack.

X.— *Canals and Internal Improvements.*

Messrs. Weir, Steele, March, Beeson, Cooper, Cravens, Studabaker and Tarkington.

XI.—*Affairs of the Town of Indianapolis.*

Messrs. Bobbs, Turner, Wallace, Bennett, Slack, Green and McLean.

XII.—*Claims.*

Messrs. Jones, Stevens, Shoemaker, Thompson, Carnahan, Kinley and Beeson.

XIII.—*State Prison.*

Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennett, McClure, Cooper, Gooding and Tarkington.

XIV.—*Expenditures.*

Messrs. Bennett, Rice, Jones, Bobbs and Gooding.

XV.—*Banks.*

Messrs. Steele, Wagner, Hamilton, Cooper, Jones, Heffren, McLean, Blair, Jennings, March and Carnahan.

XVI.—*Manufactures.*

Messrs. Robinson, Stevens, Lomax, Bennett and Wilson.

XVI.—*Agriculture.*

Messrs. Beeson, Culver, Williams, Hill, Wilson, Line, Wagner and Steele.

XVIII.—*Unfinished Business.*

Messrs. Thompson, Kinley, Cobb, Green and Fisk.

XIX.—*Benevolent Institutions.*

Messrs. Cravens, Wagner, Heffren, Cooper, Odell, Bobbs, O'Brien, Rice and Hargrove.

XX.—*Swamp Lands.*

Messrs. Green, Turner, Miller, Anthony, Williams, Weir, March, Conner, and Odell.

XXI.—*Temperance.*

Messrs. Gooding, Hendry, Cobb, Conley, Conner, Craven, Hill, and Wilson.

XXII.—*County and Township Business.*

Messrs. Blair, Weir, Wallace, Brown, Slack, Robinson, Williams, McClure, and Culver.

XXIII.—*Phraseology and Arrangement of Bills.*

Messrs. Kinley, March, Carnahan, Fisk, Weir, Jennings, and Murray.

XXIV.—*Printing.*

Messrs. Stevens, Rice, Johnston, Cravens, McLean, Culver, and Gooding.

XXV.—*Enrolled Bills.*

Messrs. Turner, Bobbs, Conley, Cooper, Hamilton, Brown, and Shoemaker.

XXVI.—*Rights and Privileges.*

Messrs. Hill, Kinley, Lomax, Thompson, Johnston, Hendry, and McLean.

JOINT COMMITTEES.

I.—*On Public Buildings.*

Messrs. Culver, Studabaker, and Robinson.

II.—*On State Library.*

Messrs. Craven, Wilson, Tarkington, and Murray.

Mr. Hargrove moved to strike out from the word "Resolved," and insert the following:

The following shall constitute the standing committee of this Senate for, and during the present session of the General Assembly, to-wit:

I.—*On Elections.*

Messrs. Slack, Hendry, Jones, Wagner, Jennings, Bobbs, Lomax, Robinson, and Fisk.

II.—*On Finance.*

Messrs. Rice, Heffren, March, Hamilton, Steele, Carnahan, Beefon, Conley, Craven, O'Brien, and Blair.

III.—*On Judiciary.*

Messrs. March, Gooding, Anthony, McLean, Murray, Cobb, Rice, Wallace, Conner, and Studabaker.

IV.—*On Organization of Courts.*

Messrs. Murray, Heffren, Hendry, McClure, Green, Conner, Johnston, Weir, and Jones.

V.—*On Federal Relations.*

Messrs. Studabaker, Craven, Miller, Hill, Line, Cooper, Odell, Brown, and Fisk.

VI.—*On Education.*

Messrs. Wagner, Wallace, Kinley, McLean, Culver, O'Brien, Anthony, Tarkington, and Beeson.

VII.—*On Corporations.*

Messrs. Tarkington, Conner, Hargrove, Blair, Cobb, Steele, Gooding, Stevens, and Slack.

VIII.—*On Military Affairs.*

Messrs. Miller, Brown, Carnahan, Blair, and Robinson.

IX.—*On Roads.*

Messrs. Williams, Cooper, Conley, Culver, Johnston, Turner, Wilson, Beeson, and Odell.

X.—*On Canals and Internal Improvements.*

Messrs. Weir, Studabaker, Steele, Tarkington, March, Bennett, Miller, Brown, and Line.

XI.—*On Affairs of the Town of Indianapolis.*

Messrs. Bobbs, Wallace, Turner, Slack, Bennett, McLean, and Green.

XII.—*On Claims.*

Messrs. Carnahan, Stevens, Jones, Kinley, Shoemaker, Thompson, and Williams.

XIII.—*On State Prison.*

Messrs. Anthony, Jennings, Weir, McClure, Rice, Wilson, Hill, Lomax, and Cooper.

XIV.—*On Expenditures.*

Messrs. Bennett, Shoemaker, Bobbs, Gooding, and Robinson.

XV.—*On Banks.*

Messrs. Steele, Hamilton, March, Carnahan, Wagner, Heffren, Blair, Jones, and McLean.

XVI.—*On Manufactures.*

Messrs. Line, Robinson, Lomax, Stevens and Odell.

XVII.—*On Agriculture.*

Messrs. Beeson, Williams, Culver, Wilson, Line, Wagner, Johnston, Hill and Craven.

XVIII.—*On Unfinished Business.*

Messrs. Cobb, Kinley, Fisk, Thompson and Green.

XIX.—*On Benevolent Institutions.*

Messrs. Heffren, Wagner, Hargrove, Rice, Odell, Bobbs, O'Brien, Hendry and Conley.

XX.—*On Swamp Lands.*

Messrs. Green, Miller, Anthony, Williams, Turner, Slack, Weir, Hamilton and March.

XXI.—*On Temperance.*

Messrs. Gooding, Hendry, Cobb, Conner, Conley, Craven, McClure and Hill.

XXII.—*On County and Township Business.*

Messrs. Wallace, Blair, Hargrove, Weir, McClure, Brown, Williams, Culver and Jennings.

XXIII.—*On Phraseology and Arrangement of Bills.*

Messrs. Kinley, Carnahan, Murray, Fisk, Bennett, O'Brien and Jennings.

XXIV.—*On Printing.*

Messrs. Johnston, Stevens, Hargrove, Gooding, Robinson and Miller.

XXV.—*On Enrolled Bills.*

Messrs. Hamilton, Turner, Shoemaker, Brown, Cooper, Bobbs and Studabaker.

XXVI.—*On Rights and Privileges.*

Messrs. Hendry, Johnston, Thompson, McLean, Kinley, Lomax and Hill.

JOINT COMMITTEES.

I.—*On Public Buildings.*

Messrs. Jones, Thompson and Shoemaker.

II.—*On State Library.*

Messrs. Craven, Tarkington, Murray and Wilson.

Mr. Anthony moved to lay the amendment on the table.

Mr. Murray demanded a call of the Senate.

Pending which,
On motion by Mr. Weir,
The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
January 11, 1859. }

The Senate met.

The Journal of yesterday was read.

RESOLUTIONS.

Mr. Studabaker offered the following resolution:

Resolved, That the following be adopted as the standing committees for the present session:

I.—*On the Judiciary.*

Messrs. March, Slack, Anthony, Gooding, Murray, Cobb, Rice, McLean, Hendry, Wallace, Conner, Studabaker and Bennett.

II.—*On Finance.*

Messrs. Heffren, March, Hamilton, Steele, Jones, Rice, Johnston, Cravens, Carnahan, Beeson and Conley.

III.—*On Organization of Courts.*

Messrs. Murray, Heffren, Green, Wallace, Weir, Studabaker, Hendry, McClure and Craven.

IV.—*On Elections.*

Messrs. Wallace, Hendry, Jones, Wagner, Jennings, Bobbs, Lomax, Robinson and Fisk.

V.—*On Federal Relations.*

Messrs. Cravens, Hargrove, Hill, Miller, Cooper, Line, Brown, Jones and Heffren.

VI.—*On Education.*

Messrs. Tarkington, Kinley, Wallace, Craven, Hendry, McLean, Bobbs, O'Brien and Cobb.

VII.—*On Corporations.*

Messrs. Conner, Studabaker, Blair, Cobb, Green, Steele, Gooding, Wagner, Carnahan and Hamilton.

VIII.—*On Military Affairs.*

Messrs. Brown, Lomax, Robinson, Carnahan and Blair.

IX.—*On Roads.*

Messrs. Hargrove, Cooper, Williams, Beeson, Conley, Culver, Johnston, Slack and McClure.

X.—*On Canals and Internal Improvements.*

Messrs. Culver, Slack, Weir, Studabaker, Cravens, Tarkington, McLean and Steele.

XI.—*On Affairs of the Town of Indianapolis.*

Messrs. Bobbs, Wallace, Turner, Bennett, Slack, Green and McLean.

XII.—*On Claims.*

Messrs. Jones, Stevens, Shoemaker, Thompson, Carnahan, Kinley, Beeson and Williams.

XIII.—*On State Prison.*

Messrs. McClure, Anthony, Weir, Studabaker, McLean, Jones, Jennings, Gooding, Turner, Wagner, Conner, Green and Tarkington.

XIV.—*On Expenditures.*

Messrs. Carnahan, Bennett, Jones, Rice, Bobbs, Gooding and Line.

XV.—*On Banks.*

Messrs. Hamilton, Steele, Jones, Wagner, Heffren, McLean, March, Carnahan, Cooper, Gooding and Blair.

XVI.—*On Manufactures.*

Messrs. Robinson, Lomax, Stevens, Bennett, Wilson, Jennings and Beeson.

XVII.—*On Agriculture.*

Messrs. Wagner, Williams, Culver, Wilson, Hill, Line, Steele, Beeson and Carnahan.

XVIII.—*On Unfinished Business.*

Messrs. Cobb, Kinley, Green, Fisk, Thompson and O'Brien.

XIX.—*On Benevolent Institutions.*

Messrs. Wallace, Cravens, Heffren, Wagner, Odell, Cooper, Conley, Bobbs, O'Brien, Fisk, Rice and Hargrove.

XX.—*On Swamp Lands.*

Messrs. Green, Miller, Turner, Williams, Weir, Odell, Conner, Hamilton and Anthony.

XXI.—*On Temperance.*

Messrs. Gooding, Hendry, Cobb, Conley, Conner, Craven, Hill and Wilson.

XXII.—*On County and Township Business.*

Messrs. Williams, Blair, Slack, Robinson, McClure, Culver, Thompson, Wallace, Brown and Hill.

XXIII.—*On Phraseology and Arrangement of Bills.*

Messrs. Slack, Kinley, Carnahan, March, Weir, Jennings and Fisk.

XXIV.—*On Printing.*

Messrs. Johnston, Stevens, McLean, Rice, Gooding, Culver and Wallace.

XXV.—*On Enrolled Bills.*

Messrs. Shoemaker, Brown, Hamilton, Cooper, Conley, Bobbs and O'Brien.

XXVI.—*On Rights and Privileges.*

Messrs. Slack, Hill, Lomax, Thompson, Johnston, Hendry, McLean and Wilson.

JOINT COMMITTEES.

I.—*On Public Buildings.*

Messrs. Robinson, Studabaker and Culver.

II.—*On State Library.*

Messrs. Wilson, Tarkington, Craven, Murray and Cobb.

Mr. Jones moved to refer the resolution to a select committee of one from each Congressional district.

Mr. Heffren moved to lay the motion on the table.

The ayes and noes being demanded by Senators Studabaker and Williams,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bobbs, Conner, Cooper, Green, Heffren, Hendry, Hill, Kinley, McLean, Murray, Shoemaker, Steele, Stevens, Tarkington, Thompson and Weir—18.

Those who voted in the negative were,

Messrs. Anthony, Blair, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Johnston, Jones, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Rice, Robinson, Slack, Studabaker, Turner, Wagner, Wallace, Williams and Wilson —30.

So the motion was not laid on the table.

The motion to refer was agreed to, and the President appointed Senators Jones, Hargrove, Anthony, Stevens, Bennett, Jennings, McLean, Wagner, Miller, Hamilton and Murray said select committee.

On motion by Mr. Heffren,

Resolved, That the Secretary of State be requested to furnish the Senate the dates of the respective commissions as Common Pleas Judges in the year 1852 of Hon. Hugh Miller, Hon. Walter March, and Hon. David S. Gooding, and at what time the commissions of their successors were dated in 1856, or if any of them resigned, the date of the resignation of the same.

Leave being granted, Mr. Heffren presented the following paper:

STATE OF INDIANA, }
HANCOCK COUNTY, } *SS.*

I, John T. Sebastian, Clerk of the Hancock Circuit Court, within and for said county of Hancock, certify that at the general election held in said county on Tuesday, the 13th day of October, A. D. 1857, as appears from the statement and certificate of the board of canvassers, now of record in my office, of said election, that for Senator, George Leachman received eight hundred and twenty-six votes, and that James H. Leary received four hundred and seventy-one votes for Senator, and that it appears from said statement and certificate that no other person was voted for for Senator at said election, and that the total number of votes given at said election is twenty-one hundred and thirty-six votes.

{L. S.} Witness my hand and the seal of said court, at Greenfield, this 10th day of January, 1859.

JOHN T. SEBASTIAN, *Clerk.*

On motion by Mr. Wallace,
The paper was laid on the table.

Mr. Anthony moved to reconsider the vote by which the resolution of Mr. Heffren, raising a select committee to investigate the

right of Hon. Hugh Miller, Hon. Walter March, and Hon. David S. Gooding to seats in this Senate, was adopted.

Mr. Wagner moved the previous question,
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the vote be reconsidered?

The ayes and noes being demanded by Senators Heffren and Weir,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Culver, Fisk, Green, Hamilton, Hill, Johnston, Jones, McLean, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Conley, Craven, Hargrove, Heffren, Hendry, Kinley, Line, Lomax, McClure, Tarkington and Weir—11.

So the vote was reconsidered.

Senators March, Miller and Gooding were in their seats, and were excused from voting.

Mr. Anthony moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Heffren and McClure,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Culver, Green, Hamilton, Hill, Johnston, Jones, Line, McLean, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Conley, Craven, Fisk, Hargrove, Heffren, Hendry, Kinley, Lomax, McClure, Tarkington and Weir—11.

So the resolution was laid on the table.

Senators Gooding, March and Miller were in their seats, and were excused from voting.

Leave being granted, Mr. Hamilton presented a petition from sundry citizens of the county of Allen, praying the passage of a law by the General Assembly authorizing parties to contract in writing for the payment of any rate of interest not exceeding ten per centum per annum.

On motion by Mr. Hamilton,
The petition was referred to a select committee of five.

The President appointed Senators Hamilton, Miller, Wagner, Anthony and Tarkington said select committee.

Mr. Miller offered the following resolution:

Resolved, That it is the sense of this Senate that the law regulating the interest on the use of money should be so amended as to allow the taking of ten per cent. where a contract to that effect has been entered into; but, without such contract, six per cent. to be the legal rate of interest.

Mr. March moved to amend the resolution by adding: "But in actions upon contract for a rate of interest exceeding six and not exceeding ten per cent. the plaintiff shall recover judgment for only six per cent."

Mr. Tarkington moved to amend the amendment so "that all judgments rendered on notes and contracts drawing ten per cent. interest shall also draw the same rate of interest."

Mr. Tarkington moved to postpone the further consideration of the resolution and pending amendments until to-morrow at 2 o'clock P. M., and make it the special order for that hour.

On motion by Mr. Williams,
The motion to postpone was laid on the table.

On motion by Mr. Murray,
The resolution and pending amendments were laid on the table.

Mr. Weir offered the following resolution:

Resolved, That a select committee of five be appointed for the purpose of inquiring into the expediency of so amending the prac-

tice in the courts of this State as to provide for the making up of issues of law in vacation, and that they report by bill or otherwise.

Pending which,
On motion by Mr. Tarkington,
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The Senate resumed the consideration of the resolution introduced by Mr. Weir, pending at adjournment.

The question being, shall the resolution be adopted?
It was agreed to.

The President appointed Senators Weir, Heffren, Wallace, Gooding and Anthony said select committee.

On motion by Mr. Weir,

Resolved, That the Doorkeeper furnish each Senator and officer of the Senate with four dollars worth of postage stamps to enable them to distribute necessary public documents.

Mr. Weir moved to reconsider the vote making the Governor's message the special order for to-day at 2 o'clock, P. M.
Which was agreed to.

On motion by Mr. Studabaker,
The consideration of the Governor's message was postponed until Thursday next at 2 o'clock, P. M., and made the special order for that hour.

BILLS INTRODUCED.

Mr. Conner introduced

Senate bill No. 1. A bill to amend the 6th, 7th, 12th, 19th and 20th sections of "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident there-

to," approved May 13th, 1852, and providing for opening decrees in the cases therein specified, and the time when this act shall take effect.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wallace introduced

Senate bill No. 2. A bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place and mode of such choosing, providing for the designation of such Senator by the people, and prescribing the duties of certain officers in connection with such designation and choosing.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green introduced

Senate bill No. 3. A bill attaching the counties of Hancock, Madison, Hamilton and Tipton to the seventh judicial circuit, and fixing the time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith.

Which was read a first time.

Mr. Murray moved to suspend the rules and read to bill a second time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—47.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Murray.

The bill was referred to a select committee of five.

The President appointed Senators Green, Gooding, Craven, March and Murray said select committee.

Mr. Studabaker introduced

Senate bill No. 4. A bill to amend the 73d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the dutiess of assessors, appraisers of real property, county treasurers and auditors, and Auditor and Treasurer of State," approved June 21st, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bennett introduced

Senate bill No. 5. A bill to amend the 1st section of an act entitled "an act concerning interest on money."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Slack introduced

Senate bill No. 6. A bill to provide for the safe-keeping and disbursing of the public revenues of the counties and State, and fixing the salary of Treasurer of State.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Tarkington introduced

Senate bill No. 7. A bill to prohibit the issue of unauthorized paper currency, and broken bank bills, and prescribing the punishment therefor.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hamilton introduced

Senate bill No. 8. A bill to amend section 1st of an act entitled "an act concerning real property, and the alienation thereof," approved March 6th, 1852.

Which was read a first time.

Mr. Hamilton moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir and Wilson—43.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. Heffren moved to consider the bill as engrossed, and read the same a third time now.

Which was agreed to; and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Wallace, Weir, Williams and Wilson—46.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hargrove introduced

Senate bill No. 9. A bill for the creation of townships, election of township trustees, duties of township trustees, mode of assessing township tax and doing township business.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fisk introduced

Senate bill No. 10. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all laws conflicting with the provisions of this act.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate bill No. 11. A bill to organize a Board of Commissioners of the Sinking Fund, and define their powers and duties.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Heffren introduced

Senate bill No. 12. A bill declaring the taking of unlawful interest a misdemeanor, and prescribing the punishment therefor, and repealing all laws in conflict therewith.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Turner introduced

Senate Bill No. 13. A bill to amend the twentieth, twenty-eighth, thirty-second, thirty-fifth and fifty-first sections of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Blair introduced

Senate Bill No. 14. A bill to amend the first section of an act entitled "an act to amend the fifth section of an act for the more uniform mode of doing township business, approved March 1, 1853, and to amend sections six, seven, eleven and twelve, of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Murray introduced

Senate bill No. 15. A bill to amend the 103d section of an act entitled "an act to revise, simplify and abridge the rules, practice,

pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. McLean introduced

Senate bill No. 16. A bill to amend the 1st section of an act to amend the 1st section of an act entitled "an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, approved June 15th, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers," approved March 7th, 1857.

Which was read a first time and passed to a second reading on to-morrow.

Leave being granted,

Mr. Wallace, from a select commitee, made the following report:

Mr. President :

The committee to whom was referred the resolution of the Senate relative to the election of a reporter, &c., beg leave to report that, owing to a failure of the House to agree on a system, such as was heretofore suggested by your committee, it is now in their opinion inexpedient to take any other step in the matter. After a full investigation of the subject, your committee beg leave to suggest to the Senate, that it is a needless expense to subscribe for papers other than those of daily issue, and for none of them unless they will report proceedings as full as they were reported in the Legislative Sentinel.

On motion by Mr. Slack,

The report was laid on the table.

On motion by Mr. Slack,

The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock,
January 12, 1859.

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Wagner presented the petition of sundry citizens of the county of Warren, asking an allowance to Aaron Stephenson for pursuing and arresting one Nicholas McCarty, a horse thief.

Which,

On motion by Mr. Wagner,

Was referred to the committee on claims.

Mr. Wagner presented the petition of Benjamin F. Gregory, former treasurer of Warren county, praying an allowance for moneys lost by him as such treasurer on the free banks of the State.

On motion by Mr. Wagner,

The petition was referred to the committee on claims.

Mr. Blair presented the petition of the Hendricks County Agricultural Society on the subject of protecting agricultural exhibitions from being annoyed by shows, booths, petty auctions, whisky venders, &c.

On motion by Mr. Blair,

The petition was referred to the committee on agriculture.

REPORTS FROM SELECT COMMITTEES.

Mr. Jones, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred the subject of appointing the standing committees beg leave to submit the following report, and recommend that the same be adopted as the standing committees of this session.

I.—*On the Judiciary.*

Messrs. March, Slack, Anthony, Gooding, Murray, Cobb, Rice, McLean, Hendry, Wallace, Conner, Bennett and Heffren.

II.—*On Finance.*

Messrs. Rice, Heffren, March, Hamilton, Steele, Jones, Beeson, Conley, Blair, Carnahan, Miller and Craven.

III.—*Organization of Courts.*

Messrs. Murray, Wallace, Hendry, Heffren, Green, Studabaker, Conner, McClure, Weir and Miller.

IV.—*On Elections.*

Messrs. Hendry, Jones, Cravens, Wagner, Jennings, Bobbs, Lomax, Robinson and Fisk.

V.—*On Federal Relations.*

Messrs. Craven, Hargrove, Thompson, Wilson, Hill, Jones, Cooper, Line, Brown and Heffren.

VI.—*On Education.*

Messrs. Wagner, Tarkington, Kinley, Wallace, Cravens, McLean, Culver, O'Brien, Anthony, Heffren and Rice.

VII.—*On Corporations.*

Messrs. Conner, Studabaker, Blair, Cobb, Green, Tarkington, Steele, Gooding, Stevens and Carnahan.

VIII.—*On Military Affairs.*

Messrs. Wallace, Brown, Carnahan, Robinson, Line and Blair.

IX.—*On Roads.*

Messrs. Williams, Cooper, Shoemaker, Culver, Hargrove, Johnson, Beeson, Conley and Slack.

X.—*On Canals and Internal Improvements.*

Messrs. Weir, Studabaker, Steele, Tarkington, March, Beeson and Cooper.

XI.—*Affairs of Town of Indianapolis.*

Messrs. Bobbs, Wallace, Bennett, Slack, Green and Kinley.

XII.—*On Claims.*

Messrs. Jones, Johnston, Stevens, Carnahan, Thompson, Wilson, Kinley and Beeson.

XIII.—*On State Prison.*

Messrs. Anthony, McLean, Weir, Jennings, Rice, McClure, Hill, Bennett, Cooper, Gooding, Wagner and Tarkington.

XIV.—*On Expenditures.*

Messrs. Bennett, Jones, Rice, Gooding and Bobbs.

XV.—*On Banks.*

Messrs. Steele, Hamilton, Wagner, Jones, Cooper, Carnahan, Heffren, Blair, McLean, March and Jennings.

XVI.—*On Manufactures.*

Messrs. Robinson, Lomax, Stevens, Wilson and Bennett.

XVII.—*On Agriculture.*

Messrs. Beeson, Williams, Culver, Wilson, Hill, Line, Wagner and Steele.

XVIII.—*On Unfinished Business.*

Messrs. Thompson, Cobb, Fisk, Kinley and Green.

XIX.—*On Benevolent Institutions.*

Messrs. Cravens, Heffren, Wagner, Odell, Cooper, O'Brien, Bobbs, Hargrove and Rice.

XX.—*On Swamp Lands.*

Messrs. Green, Miller, Turner, Williams, Anthony, Weir, Fisk, March, Odell and Conner.

XXI.—*On Temperance.*

Messrs. Gooding, Hendry, Cobb, Conner, Wilson, Craven, Tarkington, Hill, Hamilton, Stevens and Culver.

XXII.—*On County and Township Business.*

Messrs. Blair, Wallace, Weir, Shoemaker, Brown, Williams, Robinson, McClure and Culver.

XXIII.—*On Phraseology and Arrangement of Bills.*

Messrs. Kinley, Carnahan, March, Fisk, Weir, Jennings and Murray.

XXIV.—*On Printing.*

Messrs. Stevens, Johnston, Rice, McLean, Cravens, Gooding, Culver, Conley, Hargrove, Bobbs, Heffren and Murray.

XXV.—*On Enrolled Bills.*

Messrs. Turner, Conley, Bobbs, Hamilton, Cooper, Shoemaker and Brown.

XXVI.—*On Rights and Privileges.*

Messrs. Hill, Lomax, Kinley, Johnston, Thompson, McLean and Hendry.

JOINT COMMITTEES.

I.—*On Public Buildings.*

Messrs. Culver, Studabaker and Robinson.

II.—*On State Library.*

Messrs. Wilson, Craven, Tarkington and Murray.

On motion by Wagner,
The report was adopted as the standing committees of the Senate for the present session.

RESOLUTIONS.

Mr. Turner offered the following resolution:

Resolved, That the Doorkeeper be instructed to subscribe for and procure to be laid upon the desk of each Senator and officer of the Senate during the present session, three copies of the following newspapers, to-wit: Daily Sentinel, Daily Journal, Weekly American, Volksblatt and Free Press, two of each of the English papers, and all of the German papers to be enveloped and stamped.

Mr. Hargrove moved to amend by striking out all after the "American."

Mr. Tarkington moved to amend the amendment by striking out from the resolving clause and inserting:

Resolved, That the Doorkeeper contract for three copies each of the Daily State Sentinel and Daily State Journal, two of said copies enveloped and stamped for the use of each member and officer of the Senate; *Provided*, each of said papers give as full a report of proceedings of the Senate as the Legislative Sentinel of the last session.

Mr. Weir moved to lay the amendments on the table.

Mr. Johnston called for a division the question.

The question being, shall the amendment to the amendment be laid on the table.

The ayes and noes were demanded by Senators Heffren and Johnston.

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Brown, Cravens, Craven, Culver, Go Green, Hendry, Johnston, Line, Murray, Odell, Rice, Slack, Stevens, Thompson, Turner and Weir—20.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Bobbs, Carnahan, Cobb, Conley, Conner, Cooper, Fisk, Hamilton, Hargrove, Heffren, Jones, Kinley, Lomax, McClure, McLean, March, Miller, O'Brien, Robinson, Studabaker, Tarkington, Wagner, Wallace, Williams and Wilson—27.

So the amendment to the amendment was not laid on the table.

The question being, shall the amendment be laid on the table?
It was agreed to.

Mr. Fisk moved to amend by striking out all after the American, and by taking six copies each of the Daily Journal, and Daily Sentinel and Weekly American, five copies of each to enveloped and stamped.

On motion by Mr. Tarkington,
The resolution and pending amendments were referred to a select committee of three.

The President appointed Senators Tarkington, Turner and Murray said select committee.

Mr. Line offered the following resolution:

Resolved, That a committee of three be appointed to ascertain on what terms the Daily Sentinel and Journal will publish the proceedings of this Senate, in the manner and as fully as they were published by the Legislative Sentinel of the last session, and that they report at the earliest hour possible.

On motion by Mr. Line,
The resolution was referred to the select committee heretofore appointed on the subject of procuring papers.

On motion by Mr. Murray,
Senators Conley and Brown were added to the committee on benevolent institutions.

Mr. Brown moved to instruct the select committee heretofore appointed to contract with the Daily Journal, Sentinel and Citizen for three copies each of their daily papers, two of each to be enveloped and stamped. Also, three copies each of the Weekly American, Volksblatt and Free Press, two copies of the American and all of the German papers to be enveloped and stamped.

On motion by Mr. Johnston,
The motion to instruct was laid on the table.

Mr. Stevens moved to instruct the select committee heretorore appointed to contract for three copies each of the Decatur Democrat and Decatur Republican, and that seats for the editors thereof be provided within the bar of the Senate.

On motion by Mr. Wallace,
The motion to instruct was laid on the table.

Mr. Wallace offered the following resolution:

Resolved, That the Senate will, the House concurring herein, proceed to the Hall of the House of Representatives to-day at 2 o'clock, P. M., and then and there elect an Agent of State, a Canal Trustee, and a State Librarian, and other officers of State, according to the statute now in force.

Mr. Tarkington moved to strike out "to-day" and insert "Tuesday next."

Mr. Weir moved to lay the resolution and pending amendment on the table.

The ayes and noes being demanded by Senators Weir and Bennett.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Heffren, Hill, Kinley, McClure, March, Rice, Robinson, Stevens, Tarkington, Thompson, Turner, Wagner, Weir and Williams—26.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Jones, Line, Lomax, McLean, O'Brien, Odell, Shoemaker, Slack, Steele, Studabaker, Wallace and Wilson —21.

So the resolution and pending amendments were laid on the table.

On motion by Mr. Conner,

Resolved, That three hundred copies of the standing committees of the Senate be ordered to be printed for the use of the President of the Senate, the several Senators, and the officers of the Senate.

Mr. Beeson offered the following resolution:

Resolved, That the finance committee be instructed to report no allowance in the specific appropriation bill unless the claim therefor shall have been presented to said committee at least ten days before the adjournment of the Legislature, except such as may accrue within the last ten days of the session.

Mr. Wallace moved to amend the resolution by adding:

"And that no account presented by an employee shall be allowed, unless the person employing him certify the number of days the claimant served, the kind of labor he did, and that he was necessarily employed."

On motion by Mr. Anthony,
The resolution and pending amendment were referred to the committee on finance.

Mr. Hamilton offered the following resolution:

Resolved, As a matter of compromise, to save time and expense to the State, that a committee of three be appointed, to act with a similar committee from the House, to nominate candidates for the

different offices subject to an election by this Legislature, to so distribute them that each party shall have their proper proportion, according to the representation of members in the General Assembly.

On motion by Mr. Wallace,
The resolution was laid on the table.

On motion by Mr. Weir,

Resolved, That a committee of three be appointed to inquire if there is any law now in force in this State providing for the punishment of the crime of embezzlement, and that they report by bill or otherwise.

The President appointed Messrs. Weir, Bennett and Heffren said select committee.

On motion by Mr. Stevens,

Resolved, That the committee on roads be requested to inquire into the expediency of giving county commissioners power to levy a tax for making gravel or turnpike roads, when a majority of the voters of a township or county petition therefor, and report by bill or otherwise.

On motion by Mr. McLean,

Resolved, That the judiciary committee be requested to inquire into the expediency of so amending the act defining felonies and prescribing punishment therefor as to make a breach of trust a felony, punishable by the same penalty as grand or petit larceny, and that they report by bill or otherwise.

On motion by Mr. Brown,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of so amending the law in relation to county commissioners that there shall be but one commissioner to each county, and report by bill or otherwise.

On motion by Mr. Tarkington,

Resolved, That the Door-keeper lay on the desk of each Senator who is not now provided with the same, at his earliest convenience, the Revised Statutes of 1852, the Acts of 1857, and the Senate Journal of 1857.

JOINT RESOLUTIONS INTRODUCED.

Mr Johnston introduced

Senate Joint Resolution No. 1. A joint resolution on the subject of electing State Printer.

Mr. Weir moved to lay the joint resolution on the table.

The ayes and noes being demanded by Senators Johnston and Robinson,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Craven, Culver, Green, Heffren, Hill, Kinley, Rice, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace and Weir—23.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Carnahan, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Jones, Line, Lomax, McClure, March, O'Brien, Odell, Robinson, Shoemaker, Williams and Wilson—21.

So the joint resolution was laid on the table.

Mr. Weir introduced

Senate Joint Resolution No. 2. A joint resolution relative to the claim of the State against Allen May and others.

Mr. Fisk moved to amend as follows:
Insert in the proper place "unless properly secured to the satisfaction of the Treasurer of State."

Mr. Johnston moved to refer the joint resolution to the committee on the judiciary, and that said committee be requested to report to this Senate whether the bringing of such suit will not discharge the Treasurer from his liability to the State on his bond.

Mr. Slack moved to lay the joint resolution, amendment, and motion to refer, on the table.

The ayes and noes being demanded by Senators Weir and Wallace,

Those who voted in the affirmative were,

Messrs. Carnahan, Fisk, Heffren, Line, Lomax, McClure, Slack and Studabaker—8.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Craven, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, McLean, March, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Thompson, Turner, Wallace, Weir, Williams and Wilson—34.

So the motion to lay on the table did not prevail.

Mr. Wallace moved to amend the instructions by adding:

"And inquire whether or not it will not be necessary to amend the act of 1855 relative to the duties of Attorney General."

Mr. Bennett moved to amend the amendment so as to further instruct the committee "to inquire into the expediency of abolishing the office of Attorney General."

Mr. Hamilton moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators March and Bennett,

Those who voted in the affirmative were,

Messrs. Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Lomax, McClure, O'Brien, Slack, Studabaker, Wallace and Weir —13.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Green, Hendry, Hill, Johnston, Jones, Kinley, Line, McLean, March, Odell, Rice, Robinson, Shoemaker, Steele, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—32.

So the motion to lay on the table did not prevail.

The question being, shall the joint resolution be referred to the committee on the judiciary, with the pending instructions?

The ayes and noes being demanded by Senators Johnston and Wallace,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—38.

Those who voted in the negative were,

Messrs. Blair, Fisk, Heffren, Slack, Wagner, Wallace and Weir —7.

So the joint resolution and pending instructions were referred to the committee on the judiciary.

The President laid before the Senate the following communication:

Gentlemen of the Senate:

I am in receipt of the following communication from the State Printer, viz:

INDIANAPOLIS, Jan. 10, 1859.

JAMES H. VAWTER, ESQ.,
Principal Secretary of the Senate of the Indiana Legislature:

DEAR SIR:—I am ready to proceed with the printing of the Journal of the special session of the Senate of the present Legislature. I, therefore, demand of you the Journal of the Senate for the special session for printing, under my contract with the State for public printing.

Yours Respectfully,
J. J. BINGHAM,
State Printer.

To which I have replied that my power over the Journal of the extra session is at an end. That I would return the Journal to the Senate for its action, and until directed by them I declined to comply with the demand. I therefore return to you, genntlemen, the Journals of the extra session of the Senate for your action.

The organization of the last session not itself continuing, I think I have no power over the Journals, except by express order of the Senate.

Respectfully,
JAMES H. VAWTER,
Secretary of the Senate.

Mr. Slack offered the following resolution:

Resolved, That the Secretary of the Senate be requested to furnish to the State Printer the proceedings of the last session of the Senate.

Pending the consideration of which,
On motion by Mr. Weir,
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Weir demanded a call of the Senate.

The Secretary proceeded with the call,
Whereupon,
The following Senators answered to their names:

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Rice, Robinson, Shoemaker, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—45.

On motion by Mr. Weir,
The further call of the Senate was dispensed with.

Leave being granted,
Mr. Fisk offered the following preamble and resolution:

Whereas, The leakage of the gas in or about the Senate Chamber is unpleasant and deleterious to the health of the members of the Senate, therefore,

Resolved, That the Doorkeeper have the gas shut off from the Senate Chamber during the sitting hours of the Senate.

The resolution was adopted.

Leave being granted,
On motion by Mr. Conley,

Resolved, That the committee on county and township business be requested to inquire into the expediency of abolishing the present mode of doing township business, and report a bill so changing the method of doing said business that one trustee shall be substituted instead of three, under the present law, and also abolishing the office of treasurer and clerk.

Mr. Weir introduced

Senate Joint Resolution No. 3. A joint resolution to inquire and investigate the condition of the State Bank of Indiana, and of the several offices of State.

Mr. Steele moved to lay the joint resolution on the table.

The ayes and noes being demanded by Senators Weir and Wallace.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Craven, Culver, Green, Hamilton, Heffren, Hill, Jennings, Jones, Kinley, Line, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Steele, Stevens, Studabaker, Thompson, Turner and Wagner—32.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Conley, Fisk, Gooding, Hargrove, Johnston, Lomax, Robinson, Shoemaker, Slack, Tarkington, Wallace, Weir, Williams and Wilson—16.

So the joint resolution was laid on the table.

On motion by Mr. Studabaker,
The order of business was suspended, and

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 10. A bill establishing a Board of Sinking Fund Commissioners, providing for the election and appointment of the officers thereof, and prescribing the powers and duties of said Board.

In which the concurrence of the Senate is respectfully requested.

House bill No. 10, contained in the foregoing message,
Was read a first time.

Mr. Steele moved to suspend the rules and read to bill a second time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—49.

Mr. Johntson voted in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Wallace moved to refer the bill to the committee on the judiciary with instructions to inquire into the expediency of

First. Reducing the board to a President and two Commissioners;

Second. To prescribe the duties of the board;

Third. To fix a definite salary for President and each Commissioner.

Mr. Johnston moved to further instruct the committee to inquire into the expediency of requiring the President and Board of Commissioners to pay off the bonds known as the bank bonds as soon as the same can be done, so that the interest can be appropriated to the use of common schools.

The question being, shall the bill be referred to the committee on the judiciary, with the pending instructions?
It was agreed to.

Mr. Slack moved to further instruct the committee to inquire into the expediency of amending section 9 so that the salary of the President of the Board shall not exceed $1,000 per annum, and that the salary of the Clerk of the Board shall not exceed $800 per annum.

Mr. Anthony moved to amend by striking out "$1,000" and inserting "$2,000," and striking out "$800" and inserting "$1,500."

Mr. Johnston moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Heffren.

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Brown, Carnahan, Conley, Conner, Culver, Fisk, Hargrove, Heffren, Hendry, Jennings, Johnston, Kinley, Lomax, McClure, McLean, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Wallace, Weir, Williams and Wilson—30.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Bobbs, Cobb, Cravens, Craven, Gooding, Green, Hamilton, Hill, Jones, Line, Miller, Murray, Rice, Steele, Stevens, Turner and Wagner—19.

So the motion to amend the instructions was laid on the table.

Mr. Slack moved the following additional instructions:
That the committee strike out all that part of section 7 which authorized the employment of as many assistants as may be deemed necessary.

Mr. Anthony moved to lay the pending instructions on the table.

The ayes and noes being demanded by Senators Slack and Anthony.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Conley, Fisk, Gooding, Green, Hamilton, Hendry, Hill, Jennings, Jones, Miller, Murray, Rice, Steele, Stevens, Turner, Wagner and Weir—28.

Those who voted in the negative were,

Messrs. Carnahan, Hargrove, Heffren, Johnston, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Tarkington, Wallace, Williams and Wilson—18.

So the pending instructions were laid on the table.

Mr. Cravens introduced the following memorial of the State of Indiana to the Senate of the United States:

To the Honorable the Senate of the United States:

The State of Indiana, by her Senators and Representatives in General Assembly convened, would respectfully represent to your honorable body, that as she is not now and has not been for some time represented in the Senate of the United States, it is her wish and desire that the Hon. Henry S. Lane and the Hon. William Monroe McCarty be admitted to seats in the Senate of the United States, as the only legally elected and constitutionally chosen Senators of this State; and that they were so legally elected and constitutionally chosen Senators of this State; and that they were so legally elected and constitutionally chosen on the 22d day of December, 1858, in compliance with the provisions of the following concurrent resolution, which preceded and prescribed the rule of such election, to wit:

"WHEREAS, The State of Indiana has been and is now unrepresented in the Senate of the United States; AND WHEREAS, there is now no law other than the Constitution of the United States and of this State, providing for a choice by the Legislature of this State; AND WHEREAS, it is essential that this Legislature should choose such Senators at its present session;

"*Be it resolved* by the Senate, the House of Representatives concurring therein.

First. That the Senate and House of Representatives shall, upon the passage of this resolution by either House, proceed immediately to the choice of persons to represent this State in the Senate of the United States, and that a majority of each House shall be necessary to such choice.

Second. That each person who shall receive a majority of the votes given in both Houses of this Legislature, shall be declared duly elected to represent the State of Indiana in the Senate of the United States. The person first chosen shall be declared elected, from the date of the election herein provided, and shall serve as such Senator until the 4th of March, 1863, and the person next chosen shall, in like manner, serve as such Senator until the 4th of March, 1861.

Third. The Secretary of the Senate and the Clerk of the House of Representatives shall immediately upon the choice as herein provided for by the respective Houses, certify the same to the Secretary of State, who shall certify the same under the seal of the State to the Vice President of the United States, and also fur-

nish to each of the persons so chosen as herein provided, when application is made by such person or persons, or others for them, copies of their election or choice as such Senators.

Fourth. The said Secretary of State shall furnish with the certificate, as herein provided, a copy of this resolution and the vote of each House thereon."

Your memorialist as one of the sovereign powers that compose the Union, to the existence of which it is essential that equal and exact justice should be measured out to all, in order to secure the harmony of the whole, and perpetuate the mutual confidence that should actuate each in its intercourse with the others, would invoke your attention to the fact that her commission has not been awarded to any persons other than those herein named, since a vacancy has occurred in her representation in your honorable body.

To the end that your memorialist may be more fully understood, it is but just and proper that a concise statement of the facts, upon which your memorialist bases the propriety of the course which she has taken in the premises, be now submitted for the consideration of your honorable body.

In doing this, it ill be necessary to go back a little in your own as well as her history.

In January of the year 1855, a regular session of the General Assembly of this State, in accordance with the provisions of her Constitution, was convened at Indianapolis. As her Constitution provides that the sessions of the General Assembly shall be held biennially, no other regular session would occur until January, 1857. On the 4th of March, 1855, a vacancy was to occur in the Senate of the United States, by the expiration of the term of one of her Senators. To supply this vacancy, it was the duty of the General Assembly of 1855 to provide by choosing some one of her citizens to serve as such Senator. That General Assembly adjourned upon the expiration of the time allowed by the Constitution, without having elected, chosen or designated any one to act as her Senator, in your branch of the National Legislature. Thus your memorialist was without any constitutional representation in your honorable body. There was not any other session of her General Assembly for two years, although provision is made in her Constitution, for an extra session, whenever in the opinion of her executive officers it may be deemed necessary to convene the Senators and Representatives.

In January, in the year 1857, the General Assembly of your memorialist was again convened. On the 4th of March, 1857, and before the adjournment of this session of the General Assembly, another vacancy was to occur in your honorable body, by the expiration of the term of the only remaining Senator of your memorialist. Your honorable body will now perceive that it was

clearly the duty of this General Assembly at its present session, to provide that a choice should be made of two of the citizens of your memorialist, to supply the vacancy that had already, in part, and soon would entirely occur in your branch of the Congress of the United States.

In this connection, it may not be improper to inform your honorable body that there had been no statutory provision by the Legislature of your memorialist, regulating the choice or election of United States Senators by the General Assembly since the adoption of her present Constitution. Hence, any election which should take place would of necessity be governed by the provisions of the Constitution of the United States and of this State. In addition, also to the binding force of the Constitution of the United States as the supreme law of the land, the Legislature of your memorialist did enact that, among the laws governing this State should be first the Constitution of the United States. See Revised Statutes, vol. 1, page 351. Then, as your memorialist was without any law on this subject other than that contained in the Constitution as above named, it would be unnecessary to direct the attention of your honorable body to the provisions of section 3 of article 1 of the Constitution of the United States, as also section 4 of the same article.

Your memorialist would further represent that since the requirements of the Constitution of the United States as above referred to, are upon the Legislatures of the several States, the Constitution of Indiana clearly defines her Legislature and declares of what it shall consist. See Coustitution of Indiana, article 4, section 1. See also section 11 o article 4, which is further descriptive of what is essential to constitute it a body capable of transacting legislative business.

From what has been shown of the law, it will be obvious at once, that the only rule by which your memorialist could be governed in her choice of persons to act as her Senators, will be found in that provision of the Constitution of the United States, which requires such choice to be made by the Legislature, and as the terms legislature and legislative power have been defined by the organic law of this State, it will be no difficult matter to ascertain wherein that law has been complied with or disregarded in any case that may have been or shall be presented for the consideration of your honorable body.

Your memorialist is now prepared for the assertion that the persons now assuming to represent her in the Senate of the United States, are not now and have not been since the action of certain members of the General Assembly in February, 1857, upon which action it is claimed that said persons were elected Senators in the United States Senate for Indiana, the legally elected or constitutionally chosen Senators of Indiana, and in support of her denial of their right to act as such Senators, for her and in her behalf,

your memorialist would earnestly invoke the attention of your honorable body to the following facts, viz:

The session of the General Assembly which convened in January, 1857, succeeded the general election of 1856, at which time an election for Governor and Lieutenant Governor was held. Section 4 of article 5 of the Constitution of Indiana provides that the result of this election shall be published by the Speaker of the House of Representatives in the presence of both Houses of the General Assembly. On Monday morning of January 12, 1857, a message was received by the Senat · from the House of Representatives, inviting the Senate to attend in the Hall of the House of Representatives at half past 2 o'clock, for the above purpose, see Senate Journal page 41. The Senate convened at 1 o'clock, P. M., and immediately took up the message of the House, and was proceeding to amend the same, when the President of the Senate laid before the Senate a communication from the Speaker of the House of Representatives, in which said Speaker informs the Senate that he would proceed instanter to open and count and publish the vote for Governor and Lieutenant Governor, whereupon the President of the Senate announced that his connection with the Senate as their presiding officer had terminated, and immediately, without adjournment or motion therefor, and as your memorialist affirms and verily believes, in violation of section 10 of article 4 of her Constitution, left the Senate followed by twenty-three of the Senators. The remainder of the Senators occupied their seats and proceeded with business, but, upon a call of the Senate being had it was ascertained that a quorum or two-thirds was not present and the Senate could make no disposition of the business then pending; a resolution embodying this fact was introduced and spread upon the journal, and the Senators present continued in their seats till the return of the absent Senators, preceded by the incoming Lieutenant Governor, and *ex officio* President of the Senate, when the pending questions were taken up in their order and disposed of as though no interruption had taken place.

The President of the senate left the Chair and Hall of the Senate at five minutes before two o'clock, upon receipt of the communication of the Speaker of the House of Representatives, which communication your memorialist affirms and believes to have been wholly unauthorized by the House of Representatives, as the journals of said House contain no record of such authority or change in the time for that duty from the time named in the resolution sent to the Senate. For a record of these facts, see Senate Journal pages 41 to 46 inclusive.

It is further a part of this proceeding that whilst in the meeting thus unauthorized, the President of the Senate and Governor elect did at first preside during the counting of the vote, but, upon the conclusion of that ceremony appointed a Senator to occupy the position of presiding officer who then and there assumed without motive, leave or desire therefor, on the part of said meeting, the

power to adjourn said meeting to the second day of February following and did so adjourn it.

On February the 2d said meeting was again convened, and as before, by leaving the Senate as on the former occasion without a constitutional quorum, and without adjournment or motion therefor. See Senate Journal pages 221 and 222.

At this last named meeting the Lieutenant Governor adjourned as the Senator on the former occasion had done the meeting to the 4th day of February. On Wednesday, the 4th day of February, the President of the Senate again left the chair, and with a number of Senators left the Senate chamber as on former similar occasions, in the midst of its deliberations and without adjournment. At this unauthorized meeting, the persons who have since claimed to be the Senators of your memorialist, claim to have been elected, and upon that claim have been permitted to act as such Senators by your honorable body to the present term.

It will thus be apparent to your honorable body that this unauthorized meeting, at which the present incumbents claim to have been elected United States Senators, was originated in violence and continued by insubordination. The Constitution of this State in section 4 of article 5, under which who contend for the legality of the meeting above named, imposes a duty upon the Speaker of the House of Representatives alone, and does not, by any fair construction, enjoin upon the Legislature any obligation at all, much less even remotely contemplates the organization of a joint convention of the two Houses. But in the latter clause of section 5 of the same article, in cases of two persons having an equal and the highest number of votes, provision is made for deciding the question by a joint vote of the General Assembly. Now it is only necessary, in order to ascertain whether a joint convention is contemplated in this article, to inquire, as a duty is here involved on the General Assembly, what the Constitution means by the term General Assembly. To answer this question, it is sufficient to refer to sections 1 and 2 of article 4 of the Constitution, which should be read in connection with section 11 of the same article. But if the meeting originated as herein described, had no legislative power, your memorialist would respectfully submit whether, on a mere adjournment of such meeting could, by any possibility, confer upon it authority sufficient to legalize the act under which the present incumbents hold the honor and exercise the power of United States Senators for the State of Indiana. But again, if this meeting had not originally belonging to it the power of legislation, if it was not at first a legal organization, was it not less so when an effort was made to perpetuate its existence by an individual who had been called to preside over its deliberations by the presiding officer of the Senate, at the moment when his power to preside as such officer, ceased and had expired. Yet, such was the case, for the President of the Senate, who had the power when the Senate was in session in its own chamber, to

call any Senator to the chair temporily, at this unauthorized meeting, which was not a Senate, appointed, when he had no longer the power himself, a Senator to conduct its deliberations. This Senator assumed to adjourn the meeting to a distant day, at which the meeting assembled, and was again in like manner adjourned to another; at which last named day, the wrong of which you memorialist complains was afflicted upon her. Your honorable body will at once perceive that no motion, concurrent or joint resolution for electing Senators, or other proposition for that purpose, had been previously made or attempted. The Senate had never been invited by the House, or the House by the Senate, to join participate in, or consent to, any such election or elections. The object, if there was an object, was studiously concealed, at leat so far as the Journals of either House show the election thus held, by which the present incumbents claim their seats, was without the knowledge, consent or participation of a quorum of either House of the General Assembly; and notwithstanding a majority of the members *per capita* of the two Houses, may have assented to, and taken part in the proceedings of said meeting, any election thus had, could certainly have no binding force when the meeting itself was void. That there was not a quorum of the Senators present in the above meeting if additional evidence is wanting, your memorialist would refer your honorable body to the protest of the twenty-three Senators who did participate in it, against the action of the majority of the Senators who remained in session during the absence of the protestant. See Senate Journals pages 480, 81 and 83. Again, if the action of the majority of the Senators, who remained in session after the minority had unceremoniously deserted the Senate chamber, was illegal and void, as the protestants allege, your memorialist will leave your honorable body to characterize the acts, doings and resolves of the minority out of the Senate chamber. But the friends of the proceeding against which your memorialist now complains, should have been estopped by their own acts distinctly and deliberately performed on two separate occasions; the first was in 1855, as will be seen by reference to Senate Journals of that year, page 522, wherein they introduced a resolution for the election of a United States Senator with the following preamble:

WHEREAS, There is no law on the Statute book providing for the election of United States Senators, and in the absence of any statutory provision it is competent for the Legislature to prescribe by resolution, the manner of appointment and the person to be appointed, therefore the House of Representatives concurring therein.

Resolved, &c., &c., for which preamble and resolution they gave an undivided vote again in 1857. See Senate Journal pages 196 and 197. They distinctly avowed that an election of United

States Senators by each House, in their separate and independent capacity, was a legal and constitutional manner of electing, and that at the proper time would so proceed to elect United States Senators. This resolution was passed by their undivided vote on the 29th of January, 1857, after the second adjournment of the unauthorized meeting, to which reference has herein before been made, and but six days before its last session, when the present incumbents claim to have been chosen Senators.

The above are substantially the facts and circumstances accompanying and surrounding the pretended election of the setting members, and the chief reliance which they had and have in support of their rights, is the choice of a majority of the two Houses in joint convention.

Your memorialist would earnestly invite the serious consideration of your honorable body to the main points. *First.* Does the Constitution of Indiana provide for a joint convention for the election of United States Senators? *Second.* If so, was this meeting at which the sitting members were chosen, such a constitutional joint convention?

The answer to these questions your memorialist will cheerfully leave with your honorable body, under the light of the facts and circumstances herein detailed.

But aside from the facts herein embodied, your memorialist would further advert to the position assumed by those who contend for the right of the sitting members, on the ground that your honorable body has already acted in the premises, and decide the question at issue in favor of the incumbents. Your memorialist would not question the right of your honorable body to decide any and all questions of this character upon the facts adduced at the time of such decision, for such is the authority conferred upon your honorable body by the organic law of the nation. That you so decide the present question is obvious; but your memorialist would respectfully suggest that the legislative power of Indiana was, at the time you so decide, as fairly and fully before your honorable body, protesting against the right of the sitting members to admission as her Senators, as that legislative power was then demanding such admission.

A majority of the House of Representatives, but not a quorum, and a majority of the Senate of Indiana send to your body two persons whom they call Senators, while a majority of the House of Representatives and a majority of the Senate follow up this action with a solemn protest, declaring the action of the former, outside of and in conflict with the Constitution of this State. This fact, when taken in connection with the provision of the Constitution, which requires two-thirds of each House to constitute a quorum, and in view of the additional facts, that no resolution for so electing Senators, was ever agreed upon or adopted by both or either of the Houses, appears to the mind of your memorialist conclusive, that the sitting members were not commissioned

in accordance with the requirements of the Constitution of the United States, or the will of the Legislature of Indiana. That there were no other claimants contesting the seats awarded to the incumbents, your memorialist regards as a matter of no vital moment, but that such decision, founded only upon what may be regarded as *prima facie* evidence should be held as conclusive and a bar to the admission of evidence of a higher character in support of the right of a sovereign State of the Union, to an equitable and constitutional representation in the Senate of the United States is a consequence to which your memorialist cannot assent. At that time it was a question whether the applicants for admission should be allowed the benefit of the evidence presumed from the possession of credentials attested by the seal of the State, without inquiring as to the validity and regulation of such authentication, or whether such authentication, if indeed it appeared regular, was essential. Now, however, the issue is one of broader and deeper significance, for one of the component independent sovereignties of the Union declares that which has been claimed as her act, never to have been done by her; and respectfully submits the question whether she will be permitted herself to select among her own citizens, the persons whom she chooses to represent her in your branch of the Federal Legislature, or whether unauthorized parties, acting in a revolutionary manner, and in conflict with the organic law, but assuming to act for her in her name and on her behalf, shall be permitted to choose her Representatives. Your memorialist would here express an entire and undiminished confidence in the disposition of your honorable body to carry out and exemplify in all your decisions affecting the rights of States as well as individuals, the spirit contained in the words of the preamble to the Constitution of the United States. In the full assurance that that will predominate in this as in all other important issues, your memorialist apprehends no conflict between the national and State sovereinty, but will cherish to the end the assurance that justice and equity will prevail throughout and eminently characterize the result of the application herein made. With this view of the matter, your memorialist cannot regard as any serious obstacle to an equitable adjustment of her rights, the decision already made in behalf of the incumbent.

That decision was made upon *prima facie* evidence of an inferior order, which now your memorialist comes in her own proper person with the unquestioned and unquestionable authority of an act of her Legislature. Your memorialist fully appreciates the fact that your honorable body is the only tribunal before which such questions can be tried, and that from its decisions there is no appeal, there being above and beyond it no higher or even equal power. But your memorialist would seek no other tribunal, or question the right to exercise of the power in the decision that has been made, but relying on that sense of justice which underlies all of our institutions, but demands in the tribunal of your hon-

orable body a review, or rehearing such as the meanest suitor would not be denied in the highest judicial court known to the laws of the land. It may not be inappropriate for your memorialist to suggest, that any other course on the part of your honorable body might be productive of the most alarming consequences, for if any number of the States of the Union should be so unfortunate as your memorialist as to have conferred upon individuals whom they had not chosen, credentials of election as United States Senators, and your honorable body, upon such credentials, would admit them as members, it would not be a sufficient answer to such States when applying for redress and demanding their rights, that the Senate of the United States had once passed upon the question, and that her power was already exhausted on the subject.

Your memorialist holds to the doctrine that the power lodged in your honorable body to do justice to and deal equitably with those who delegated to you that power, can never be exhausted, however, often it may have been exercised, until such justice has been done in the most complete and ample manner; any other view of that power would make it an irresponsible independent authority fully armed for vengeance and wrong, but powerless for the accomplishment of those wise and beneficient purposes for which it was established, recognizing in the economy of both State and Federal Government the principle that everything salutary depends upon the consent of the government. Your memorialist cannot regard the argument of a want of power in your honorable body, to review and revise its decisions as at all in harmony with the spirit of our institutions, a consonent with the almost unlimited power delegated to the national Legislature. Such a concession on the part of the several States would be equivalent to a surrender of their rights, without which they would cease to be sovereign powers, and descend to the condition of colonies, wherein they would be compelled to the support of a government in which they would be without representation, with that unfeigned devotion to the Union of these States, which has hitherto marked her ready and willing acquiescence, in the expressed will of the national sovereignty, and which she cherishes the assurance will ever characterize her attachment for its undivided dignity and honor. Your memorialist confidently presents and asks for admission as her legally elected and constitutionally chosen Senators, the persons herein named whose title to the honor and claim to the position, is thus solemnly authenticated by the highest and most august tribunal known to the Constitution of the State of Indiana.

Resolved, By the Senate, the House of Representatives concurring therein, that the foregoing memorial, certified by the President and Secretary of the Senate, and by the Speaker and Clerk of the House of Representatives, be and it is hereby directed to be forwarded to the Vice President of the United States, to be by him laid before the Senate of the United States.

Mr. Wallace demanded a call of the Senate.

The Secretary proceeded with the call,
Whereupon,
It being found that the Senators were in their seats,

On motion,
The further call was suspended.

Mr. Heffren moved to amend the resolution appended to the memorial, by striking out the words "the Vice President of the United States."

Mr. Weir moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Heffren and McClure,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Weir—28.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington and Williams—20.

So the amendment was laid on the table.

The question being, shall the memorial be adopted?

The ayes and noes were demanded by Senators Heffren and McClure.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

Those who voted in the negative were,

Messrs. Hamilton, McLean, Odell, Shoemaker, Studabaker and Williams—6.

So the memorial was adopted.

The following Senators were in their seats and refused to vote:

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Slack, Tarkington, Wallace and Wilson—18.

On motion by Mr. Conley,
The Senate adjourned.

THURSDAY MORNING, 9 o'clock,
January 13, 1859.

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following communication:

To the General Assembly of the State of Indiana:

The undersigned reserving their legal rights, if they have any, would respectfully submit to the Legislature a proposition to discharge their alleged liabilities to the State, growing out of the securityship or endorsement for Allen May, in real estate, at the fair cash value thereof, to be ascertained by the appraisement of three disinterested freeholders. They owe it to the occasion to say that they contracted these alleged liabilities for the mere accommodation of said May, without any interest whatever, and expectation of ever being called upon to meet them, and that it is utterly out of their power to discharge them in money. What they have they are ready and willing to give in settlement, without controversy.

J. P. DRAKE,
M. G. BRIGHT.

Mr. Slack moved to refer the communication to the committee on finance.

Mr. Line moved to amend the motion by referring the same to a select committee of five, with instructions to investigate all the facts

in the case, and present to this Senate a detailed statement of such facts at as early a day practicable.

Mr. Tarkington moved to lay the communication and pending motions on the table.

The ayes and noes being demanded by Senators Weir and Johnston.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Conner, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Jennings, Johnston, Lomax, McClure, McLean, Robinson, Shoemaker, Slack and Tarkington—18.

Those who voted in the negative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Craven, Fisk, Hamilton, Hill, Jones, Kinley, Line, Miller, Murray, O'Brien, Odell, Rice, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—30.

So the motion to lay on the table did not prevail.

The question being, shall the communication be referred to the committee on finance?
It was not agreed to.

Mr. Conner moved to amend the motion by referring the communication to the committee on the judiciary with instructions "to inquire into the legality and expediency of not only instituting suit against the said Bright and others, their securities, but also against William R. Nofsigner, late Treasurer of State, and his securities, in order that the State may recover the amount due on account of that transaction as speedily as possible."

Mr. Weir moved to lay the amendment to the motion and instructions on the table.
Which was not ageeed to.

Mr. Heffren moved to amend the motion to refer by adding:

"That the committee be instructed to report a joint resolution directing the Attorney General to bring suit upon the official bond of Wm. R. Nofsigner for the amount of the bills of exchange endorsed by Bright and Drake; and that they examine into any other amounts for which he may be liable as former Treasurer of State, and also inquire as to the liability and defalcation of any other former Treasurer of State.

Mr. Tarkington moved to further instruct the committee as follows:

That the committee report a bill, if necessary, making it the duty of the Attorney General to commence a suit against all persons from whom money is due to the Treasury of State, as officers or otherwise.

A division of the question being demanded,
The question being, shall the communication be referred to the committee on the judiciary?
It was agreed to.

The question being, shall the instructions offered by Mr. Conner be adopted?
Which was agreed to.

The question being, shall the instructions offered by Mr. Heffren be adopted?

Mr. Wagner moved to lay the instructions on the table.

The ayes and noes were demanded by Senators Slack and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Cobb, Conner, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hill, Jones, March, Miller, Murray, Odell, Rice, Steele, Stevens, Thompson, Turner and Wagner —24.

Those who voted in the negative were,

Messrs. Brown, Carnahan, Conley, Craven, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Kinley, Line, Lomax, McClure, O'Brien, Robinson, Shoemaker, Slack, Tarkington, Wallace, Weir, Williams and Wilson—23.

So the instructions were laid on the table.

The question being, shall the instructions offered by Mr. Tarkington be adopted?
It was agreed to.

The President laid before the Senate the following report from the President of the State Bank of Indiana:

OFFICE OF THE STATE BANK OF INDIANA,
Indianapolis, January 7, 1859.

To the General Assembly of the State of Indiana:

The report of this Bank, marked "A," is herewith submitted, exhibiting her condition on the 20th of November last, as required by the charter, by which it will be seen that the settlement of the business of the respective branches had so far progressed that the final arrangement therefor could be consummated by the first day of the present year, the period fixed by the charter for closing its affairs.

With such a result in view, the Board of Directors of the Bank, at an early session after the expiration of the period for continuing the active business of the Bank (the first of January, 1857), directed a prompt commencement of the distribution of the capital stock of the several branches of the State and the other stockholders, requiring it to be made in five equal installments, to fall due as rapidly as the means could be realized by the branches therefor, in addition to promptly redeeming their circulation. It was further considered by the Directors, conformably with the high regard to a prompt discharge of all its obligations by which it has been ever guided, that it was a rightful expectation of the State and the other stockholders of the Bank, as well as the public, that a prompt adjustment of her affairs should be had, without waiting for any privileges which might have been claimed under the general statute of the State for extending the time of its closing. In addition, therefore, to a return of the capital stock, distribution of the surplus profits accumulated have been authorized and made, as the ability of the several branches, beside providing for their circulation, from time to time, permitted. Consequently, the remainder to be distributed in approaching the closing period of the charter, after providing the means for redeeming their remaining circulation, has been limited in amount. In justice to some of the branches whose dividends of surplus beyond their capital have not been as large as others in closing, it is due to state that part of them have been more uniform in the favorable amount of their dividends in the past than others who exceed them in the rate of the closing distribution. Great differences have also existed in the advantages for banking business in the respective local positions of the branches. It is due also to remark that such differences have in no wise arisen from any want of strict integrity or faithful regard to duty in the management of any of the branches. It was concluded by the Directors of three of the branches, and concurred in by the State Board, that it would be more for the interest of the State and the other stockholders to take longer time for making their collections, being those at Indianapolis, Madison and Fort Wayne, which, for that purpose, have assigned their remaining assets and claims to trustees for completing the closing of their affairs. An assignment was also made by the branch of Vincennes of a few items of her assets not included in her sale.

Two of the branches, those at South Bend and at Michigan City, have closed their affairs by a direct and final distribution. In all the others, being those at Lawrenceburgh, Richmond, New Albany, Evansville, Vincennes, Bedford, Terre Haute and Lafayette, previous to the final distributions, which have been made, sales were made of the remainder of their assets and property on terms satisfactory to the respective Branch Boards and Directors of the State Bank.

Under these varied arrangements, the amounts realized by the State and the other stockholders in the progress of the closing of the branches have been as follows:

The branch at Lawrenceburg has returned her capital of $50, and $43 53 surplus on each share, making.....	$90 53
The branch at Richmond has returned her capital of $50, and $37 72 on each share, making.....	87 72
The Branch at New Albany has returned her capital of $50, and $25 surplus on each share, making.....	75 00
The branch at Evansville has returned her capital of $50, and $26 65 surplus on each share, making.....	76 65
The branch at Vincennes has returned her capital of $50, and $20 surplus on each share, making.....	70 00
The branch at Bedford has returned her capital of $50, and $8 50 surplus on each share, making.....	58 50
The branch at Terre Haute has returned her capital of $50, and $30 28 surplus on each share, making.....	80 28
The branch at Lafayette has returned her capital of $50, and $27 surplus on each share, making.....	77 00
The branch at South Bend has returned her capital of $50, and $40 11 surplus on each share, making.....	90 11
The branch at Michigan City has returned her capital of $50, and $30 75 surplus on each share, making.....	80 75

All of which is in addition to the dividends of profits which have been declared semi-annually for the past twenty-five years, and gone into the Sinking Fund.

There is nothing further remaining due, unsettled, or yet to accrue to the State or to any other stockholder from any of the branches of the bank, except those at Indianapolis, Madison, Fort Wayne and Vincennes, and the amount to accrue from these branches will, as realized by the assignees, be paid over to the State and other stockholders.

The branches which have placed the rest of their assets in the hands of assignees for collection have also distributed to the stockholders as follows:

The Indianapolis branch has returned her capital of $50, and $22 50 surplus on each share, making.....	$72 50
The Madison branch has returned her capital of $50, and $15 surplus on each share, making.....	65 00

The Fort Wayne branch has returned her capital of $50, and $25 50 surplus on each share, making..... 75 50
And the Vincennes branch has paid as above stated.

The amount yet to be realized from these branches is, of course, liable to the uncertainty which attaches to the collection of debts of long standing. Whatever can be secured by faithful attention and a just distribution may be relied upon from such branches. A copy of the bonds taken from each assignee is herewith submitted, marked B.

In regard to the circulation of the bank, earnest solicitude has been shown by the several branches to hasten its redemption, by extensive advertisements, and finally by arranging to redeem the notes of all the branches until the last day of the bank charter, at Indianapolis, in cash or exchange at par. Still, it will be seen by the accompanying statement, there remained outstanding of the circulation, on the 20th of November last, the sum of $339,789, to which amount it had been reduced by redemption from the sum of $4,208,725, which was the amount of the whole circulation on the first of January, 1857, when the business of the bank ceased. Such remainder of circulation was of the following branches:

Indianapolis	$34,773 00
Lawrenceburgh	23,792 00
Richmond	25,241 50
Michigan City	26,460 50
New Albany	34,087 00
Evansville	23,055 00
Vincennes	24,814 00
Bedford	21,624 50
Terre Haute	25,426 50
Lafayette	31,417 50
Fort Wayne	22,717 00
South Bend	19,953 00
Madison	26,428 00
	$339,789 00

It was perhaps the duty of the billholder to present the same for redemption on or before the expiration of the charter of the bank; still, as many innocent holders might be uninformed of that duty, it was the unanimous conclusion of the Board of Directors of this bank, and of each branch, that every note the bank had ever issued should be redeemed on presentation, although to secure this it would require the appropriation of a large part of the active means remaining. Accordingly, contracts have been made with responsible individuals (it being deemed doubtful whether incorporated banks could legally undertake such redemption of the notes of another bank), security being taken in bonds approved by the Board of Directors of the

branch and the bank, providing for the redemption of all the notes presented hereafter of the branch respectively in the town where the branch had been located, and also for the proportion of the offered notes of the bank by their presentation to the clerk of the Commissioners of the Sinking Fund at Indianapolis. A copy of the bond taken from the contractors for such redemption is herewith submitted, marked C. It remains only to add that it has been, with all who have been connected with the bank, a source of high gratification that the institution has been so successful in making favorable returns for the capital entrusted to her by the State, and especially that by such returns, in connection with the judicious management of the State's share of profits by the Commissioners of the Sinking Fund, so valuable a fund has been secured for a perpetual contribution to the noble object of common school education, to which it has been solemnly pledged, and which pledge, it is trusted, the State of Indiana will ever honorably hold sacred.

It would cumber this report unnecessarily, perhaps, to annex a list of the assets assigned by the Indianapolis, Madison, Fort Wayne and Vincennes branches. This Board had caused said branches to file in this office complete schedules of said assets, copies of which can be furnished to the General Assembly if deemed desirable.

Respectfully submitted.

E. DUMONT, *President.*

[A.]

Statement of the State Bank of Indiana, November 20, 1858.

MEANS.		
Bills discounted	$142,273 27	
Bills of exchange	144,755 63	
		$287,028 90
Suspended debt		139,410 87
Banking houses		70,905 43
Other real estate		19,801 72
Furniture		1,084 56
Branch balances		58,590 27
Eastern funds		85,345 39
Other bank balances		112,296 81
Remittances and other items		94,462 71
Other bank notes		29,706 00
Specie		140,070 96
		$1,038,703 62

LIABILITIES.	
Surplus fund	$599,595 62
Unclaimed dividend	26,939 71
Commissioners' sinking fund	42,742 38
Other items	18,190 10
Bank balances	7,620 41
Individual deposits	3,388 41
School tax	437 99
Circulation	339,789 00
	$1,038,703 62

JAMES M. RAY, *Cashier.*

[A. A.]

General Statement of the Branches of the State Bank of Indiana, November 20, 1858.

MEANS.

BRANCH.	Bills Discounted.	Bills of Exchange.	Suspended Debt.	Banking Houses.	Other Real Estate and Furniture.	Branch Balances.	Eastern Bank Balances.	Other Bank Balances.	Other Items.	Other Bank Notes.	Specie.
Indianapolis	$13,312 39	$1,125 50	$47,722 06	$1,841 81	$1,589 00	$2,221 53	.....	$2,103 29	$788 00	$2,799 00	$32,745 61
Lawrenceburgh	5,487 00	44,460 16	.....	1,841 86	.....	18,337 92	.....	446 00	50,671 66	.....	7,283 86
Richmond	.....	.....	.....	1,841 80	.....	.....	.....	15,798 16	9 75	222 00	14,255 65
Madison	9,996 20	602 03	55,705 35	.....	2,991 44	.....	.....	4,012 12	12,779 53	.....	2,179 99
New Albany	10,582 78	.....	.....	.....	.....	5,434 44	$5,969 72	69 00	10,999 71	1,146 00	13,423 52
Evansville	.....	.....	8,336 71	21,841 80	.....	53 08	.....	11,747 62	.....	.....	10,009 00
Vincennes	9,633 27	.....	7,908 27	15,000 00	1,474 70	714 00	.....	19,016 24	.....	18,600 00	14,006 37
Bedford	.....	3,376 18	3,760 05	2,238 46	.....	5,804 56	10,498 17	220 44	108 36	52 00	5,560 69
Terre Haute	400 00	.....	11,104 38	.....	.....	23,318 77	.....	919 60	3,255 36	.....	8,774 29
Lafayette	66,027 51	31,879 06	.....	13,899 30	475 09	1,790 00	18,614 59	19,983 53	9,083 03	1,717 00	6,046 69
Fort Wayne	9,089 96	7,681 90	4,859 80	1,841 80	12,956 04	1,227 50	2,156 18	20,901 80	6,702 05	3,023 00	3,610 95
South Bend	17,741 25	.....	4 25	1,841 80	1,400 00	1,385 00	.....	16,593 91	39 26	79 00	17,113 17
Michigan City	.....	55,630 00	.....	8,716 80	.....	1,998 00	48,206 67	485 10	26 00	68 00	5,170 17
Total	142,273 27	144,735 63	139,410 87	70,905 43	20,986 78	62,284 72	85,345 30	112,296 81	94,462 71	29,706 00	140,070 26

General Statement of the Branches of the State Bank of Indiana.—Continued.

LIABILITIES.

BRANCH.	Surplus Fund.	Unclaimed Dividend.	Commissioners of Sinking Fund.	Other Items.	Branch Balances.	Other Bank Balances.	Individual Deposits.	Circulation.	School Tax.
Indianapolis	$55,584 23	$1,342 50	$495 00	$3,949 07	$3,214 67	$6,889 63	.....	$34,773 00	.....
Lawrenceburgh	97,362 34	381 51	.....	6,669 63	322 98	.....	.....	23,792 00	.....
Richmond	5,281 43	1,604 43	.....	.....	.....	.....	.....	25,241 50	.....
Madison	60,583 17	.....	.....	458 55	.....	266 40	$214 97	26,428 00	$316 37
New Albany	4,291 10	9,005 27	.....	241 86	.....	.....	.....	34,087 00	.....
Evansville	15,087 82	3,885 00	7,262 00	2,399 56	.....	291 75	.....	23,055 00	.....
Vincennes	60,848 48	.....	.....	690 38	.....	.....	.....	24,814 00	.....
Bedford	9,994 91	.....	.....	.....	.....	.....	.....	21,624 00	.....
Terre Haute	8,394 04	3,825 00	9,606 54	30 33	74 80	.....	425 19	25,426 50	.....
Lafay tte	135,785 64	1,410 00	.....	.....	82 10	.....	820 62	31,417 50	.....
Fort Wayne	48,603 40	3,323 85	.....	49 70	.....	.....	1,135 45	22,717 00	121 62
South Bend	16,935 56	2,162 15	14,000 00	2,744 99	.....	172 63	232 31	19,953 00	.....
Michigan City	80,843 50	.....	11,380 84	956 03	.....	.....	559 87	26,460 50	.....
Total	599,595 62	$26,939 71	$42,742 38	$18,190 10	$3,694 45	$7,620 41	$3,388 41	$339,789 00	$437 99

[B.]

THE FORMS IN THE MATTER OF THE ASSIGNMENT.

Form of an order to be made by the Branch.

It is hereby ordered that all the goods, chattles, lands and tenements, notes, bills, bonds, judgments, accounts, chose in action, claims and demands, and property of every name, kind and nature, currency, coin, exchange, and other cash means excepted, belonging to this Branch, or to the State Bank for the benefit of this Branch, be, and the same are hereby conveyed, assigned, transferred, and delivered unto ————————, and to his successors in trust, to and for the uses and purposes following, that is to say, in trust for the State of Indiana, and the individual stockholders of this Branch, in proportion to the stock held and owned by each in this Branch; and it shall be the duty of said assignee to reduce the effects covered by this assignment, or any other deed, instrument or order, that may be made or executed, the more fully and completely to vest in said assignee the assets of this Branch, real and personal, or every name, kind and nature, to money, as soon as the same may be done, so as to realize the fair value thereof. Said assignee may, by and with the approbation of the President of the Board of Commissioners of the Sinking Fund, sell any real estate on a credit, when it cannot be sold for cash, at its fair value, to compound and sell doubtful debts, to carry out any contract which shall have been made with the officers of this Branch, and may do and perform, in the discharge of his duty, all such acts as this Branch Board could do and perform in winding up the affairs of this Branch. It shall be duty of said assignee to make semi-annual dividends and payments of the moneys in his hands to the Sinking Fund Commissioners, in proportion to the stock owned and held by the State in this Branch, and to the individual stockholders and their legal representatives, in proportion to the stock owned and held by each of them in this Branch. It shall be his duty to make quarterly reports to the President of the Commissioners of the Sinking Fund, on the first day of April, July, October and January, of the condition of his said trust, and of all his doings in the premises, and finally, and without unnecessary delay, to pay over, as aforesaid, the proceeds of all the assets and effects, real and personal, of every name, kind and nature, to those entitled, as above stated. *Provided, however*, That said assignee may, at the time of making each divided above provided for, first deduct ——— per cent. on the moneys realized, and all reasonable and necessary expenses incurred in executing this trust, for his services, and make the dividend on the remaining moneys.

To follow the above Order.

In consideration of the premises set forth in the above order of assignment, and of one dollar to me in hand paid by said Bank, I do hereby assent to and accept said assignment, and the trust therein stated, and the terms, conditions and stipulations in the above order named and stated.

WITNESS, My hand and seal this ——— day of ——— 1858.

——————————— { SEAL. }

ATTEST :———————————

Form of Bond to be made by the assignee and his securities.

KNOW ALL MEN BY THESE PRESENTS, That we, ——————— are held and firmly bound unto the State Bank of Indiana, and to the State of Indiana, and the following named persons, stockholders in the capital stock of the Branch at ——————— of said State Bank, to-wit: ——————————————————— jointly, and to each of the said parties, and to each of said persons, severally, and their heirs, executors, administrators and assigns, in the penal sum of ——— thousand dollars, for the payment whereof, without any relief whatever from valuation or appraisement laws, we bind ourselves, our heirs, executors and administrators, jointly and severally, sealed with our seals. Dated this ——— day of ——— A. D., 1858.

WHEREAS, The Board of Directors of the ———— Branch of the State Bank of Indiana, by and with the consent of the Board of Directors of the State Bank of Indiana, duly entered of record, have conveyed, assigned, transferred and delivered unto ———— all the goods and chattles, lands and tenements, notes, bills, bonds, judgments, accounts, chose in action, claims, demands, and property of every name, kind, and nature, except currency, coin, exchange, and other cash means, belonging to said Branch, in trust for the uses and purposes stated in said order of assignment.

AND WHEREAS, It was and is a condition precedent to the taking effect of said assignment and delivery of the property and things herein named, that the said ——————————— should execute or deliver a bond or bonds, with good and sufficient sureties, to the satisfaction and approval of the Board of Directors of the said Branch and State Bank, to which end this bond is made.

Now, should the said ——————————— well and faithfully discharge his duty, as such assignee, in all things, and semi-annually pay over to the Sinking Fund Commissioners all moneys received by him, properly due the State of Indiana on account of her stock in said Branch, and to the individual stockholders and their legal

representatives, all moneys received by him, properly due to them on account of their stock in said Branch, and on the first day of April, July, October and January of each year, until his trust is fully and completely executed, make a full and true report of all his doings in the premises, and of the condition of his trust, and shall and will, on demand, transfer, convey, assign, and deliver over to his successor, should one at any time be appointed, all books, papers, moneys, notes, bills, judgments, chose in action, real estate, and effects of every name, kind, and nature, that may, or of right ought, at that time to appertain to said trust, and shall comply with any and all orders made, or that may be made, by the said Branch or State Board, and with said order of assignment in all things, then this bond to be void, else good and valid. A schedule of the property assigned, or intended to be assigned, and vested in said assignee as aforesaid, as far as the same is now known, is hereunto attached, marked "A," but said schedule is not intended to limit or abridge the scope of the assignment above named.

Approved by the Board of Directors of the ———— Branch of the State Bank of Indiana, this ———— day of ———— 1858, and said approval with a copy of this bond entered of record.

ATTEST:———————————— Cashier.

Form of the Schedule to be attached to the Bond of the Assignee.

(If necessary, other heads to be added.)

NOTES SUPPOSED TO BE GOOD.

1. A note, without relief, drawn on the 1st day of May, 1858, by John Smith, for the sum of $1,000 00, payable sixty days after date, and endorsed by Thomas and Richard Best	$1,000	00
Interest, cost, &c	80	00
2. A note drawn October 1, 1857, by John Doe, for the sum of $50, payable to and endorsed by Richard Roe	50	00
Interest, cost, &c	10	00

JUDGMENTS SUPPOSED TO BE GOOD.

1. A judgment rendered on the 1st day of July, 1858, in the Circuit Court of Allen County, Ind., against John Todd and Samuel Todd, for the sum of $1,500, collectable without relief, and replevied by Reuben Good	1,500	00
Interest, &c	75	00

BILLS OF EXCHANGE SUPPOSED TO BE GOOD.

1. A bill drawn March 1, 1857, at sixty days, by Lorenzo Dow and John Charles, New York, accepted by the latter, and endorsed by W. V. Cook and S. A. Douglas, for the sum of $1,000	$1,000 00
Interest, damages, cost, &c	75 00

PERSONAL PROPERTY.

1. One safe, supposed to be of the value of	500 00
2. One letter press, supposed to be of the value of	15 00

REAL ESTATE.

1. Southwest quarter of sec. 10, town. 10, range 10, containing 160 acres, in Scott county, Indiana, supposed to be of the value of	2,000 00
2. Lot 10, in Allen Hamilton's addition to the city of Fort Wayne, Allen county, Indiana, supposed to be of the value of	500 00
	$5,805 00

MEMORANDA.

The Records of the Branch Board should show the presentation of the above bond, and its approval by that Board, and it and the schedule thereto attached should then be spread at length on the Records of the Branch, and then sent to the State Board for their approval; and when thus approved, be filed with the Sinking Fund Commissioners for record and safe keeping. Bodies politic and corporate cannot be the assignee, as they are subject to restrictions which would prohibit it.

Intended to be Adopted after the General Order of Assignment by Branches having Real Estate.

WHEREAS, This Branch has assigned to ———————— all her assets, effects, notes, bills, bonds, judgments, accounts, claims, demands and property of every name, kind and nature, except coin, currency, exchange and other cash means, in trust to and for the uses and purposes in said order of assignment named; it is therefore ordered that the President of the State Bank do, by a proper deed of trust, convey to said trustee, for the uses and purposes in said order named, the following real estate belonging to this Branch, to wit:

NOTES SUPPOSED TO BE DOUBTFUL.

BILLS OF EXCHANGE DOUBTFUL.

JUDGMENTS DOUBTFUL.

ACCOUNTS DOUBTFUL.

FORM OF THE BOND.

KNOW ALL MEN BY THESE PRESENTS, That we, ——————————, are held and firmly bound unto the State Bank of Indiana, and unto the State of Indiana, and unto the stockholders of the —————— Branch of the State Bank of Indiana, and unto the persons who are or at any time may be the holder or holders of the note or notes of said Branch, in the penal sum of ——— dollars, for the payment whereof, without any relief whatever from valuation or appraisement laws, we bind ourselves, our heirs, executors and administrators, to said obligees jointly, and to each of them separately, their heirs and assignees forever, this —— day of ————, 1858.

WHEREAS, The Board of Directors of the State Bank of Indiana, at their November session, 1858, passed and adopted the following resolution:

Resolved, That the Branches of this Bank be advised and authorized to contract with responsible parties for the redemption of their outstanding circulation in manner following, to wit: The contracting parties to be obligated to redeem and retire from circulation all notes of the Branches whose notes they undertake to redeem, make a registry thereof, exhibiting the amount of each denomination; cancel the same by punching, and, as often as every six months, have them counted and burned, at Indianapolis, in the presence of the President, or clerk of the Commissioners of the Sinking Fund, a certificate of the fact to be entered upon such registry, signed by such clerk, and filed in the office of such Commissioners.

The contracts for the redemption of the circulation as aforesaid, to provide also for the redemption of effaced notes, (i. e. of such notes as are so obliterated as to render it uncertain by which of the Branches they were issued,) as follows: The contractor with each Branch to be obligated to redeem all the effaced notes of the Bank, assessed upon the Branch whose notes he or they engage to redeem, as hereinafter provided, for the period of three years, from

the 1st day of January, 1859; and for the purpose of such effaced notes being apportioned and paid, all parties claiming the redemption of such notes be required to deposit the same with the clerk of the Board of Commissioners of the Sinking Fund, who shall, at the office of said Board, in Indianapolis, in the presence of such of said contracting parties as shall attend, on the second Tuesdays of January, April and July, and on the Thursday after the second Tuesday of October, annually, assess the amount of said notes presented upon each of the contracting parties, according to the amount of circulation of the Branches whose notes they have respectively undertaken to redeem on the 15th of December, 1858—which portion, so assessed shall be paid to said clerk by each contractor within one week after notice of the amount thereof, together with their equal portion of such reasonable allowance for their services in the matter of the redemption of defaced and effaced notes of the Bank as shall be allowed to their President and clerk by such Board of Commissioners, and such clerk shall promptly remit to the owners of such effaced notes the amount of their claim allowed.

Said effaced notes to be then burned, after such assessment, in the presence of the President or clerk of the Commissioners of the Sinking Fund. A statement of the amount thus burned to be signed by such clerk, and filed, as required in regard to the other circulation of the Bank, in the office of said Commissioners.

The contracting parties, who shall be natural persons, to redeem such notes in the town in which the Branch whose notes they undertake to redeem is located, at the office of a bank or bankers, who are doing a regular banking business. The contracting parties to report, for the next two years, to the President of the Commissioners of the Sinking Fund, on the first day of each month, the amount of notes redeemed by them during the previous month.

The sum to be paid to such contracting parties as a consideration for their undertaking to redeem the circulation of the respective Branches, as aforesaid, not to exceed four-fifths of the amount of their outstanding circulation at the time the contracts are made.

The Branches to require of the contracting parties bonds with approved security, (according to the form to be furnished by the Cashier of this Bank,) for the faithful performance of their undertakings, which bonds, and a copy of the redemption contracts, are to be submitted to, and to be valid only on the approval of this Board."

And whereas, ———— has agreed, and does hereby agree and undertake, in consideration of the sum of ———— dollars, now paid ———— by said Branch, the receipt of which is hereby acknowledged, to take said contract of redemption, as to the notes still outstanding of the ———— Branch of said Bank, and the effaced notes in said resolution mentioned, upon the terms in every respect indicated, stipulated, and named in the said resolution of the Board of Directors of the said State Bank, and in good faith and according to the spirit, true intent and meaning of said resolution, to do and perform each and every the matters and things

therein named. Now, if the said ———— shall, and do in every respect, comply with ——— said contract, as above stated, then this bond to be void, else good and valid.

The above bond, accepted and approved by the Board of Directors of the ———— Branch of the State Bank of Indiana, this —— day of ———, 1858, and the approval entered upon the records of said Branch:

ATTEST: ———— ————, *Cashier.*

MEMORANDA.

The records of the Branch Board should show the presentation of the above bond, and its approval by that Board, and it should then be spread at length on the records of the Branch, and then sent to the State Board for their approval; and when thus approved, be filed with the Sinking Fund Commissioners for record and safe keeping.

The adjourned session of the Board of Directors of the State Bank is to be held on Tuesday, the twenty-eighth day of December, 1858. Bonds and action of Branches, in the meantime, may be sent to the President.

State of the Branch at South Bend of the State Bank of Indiana, November 20, 1858.

DEBIT.			CREDIT.		
Bills discounted	$17,744 25		Interest		$1,733 08
Suspended debt	4 25	$17,748 50	Profit and loss		1,011 91
			Surplus fund		16,935 56
State banking house	1 841 80		Unclaimed dividends		838 75
Other real estate	1,400 00		Commissioners of sinking fund		14,000 00
Current expense	31 88		Dividend of surplus fund		1,323 40
Protest	7 38	3,281 06	City Bank of New York		172 63
			Circulation—Fives and upwards	$7,932 50	
Branch at Indianapolis	1,385 00		Ones, Twos and Threes	12,020 50	19,953 00
Branch at South Bend, Bank of the State of Indiana	16,455 91				
State Bank of Indiana	138 00	16,593 91	Individual depositors	97 71	
			Certificates issued	134 60	232 31
Cash, viz:—Notes of this Branch	131 00				
Other bank paper	79 00	210 00	Notes of this branch in hand—Fives and upwards	80 00	
			Ones, Twos and Threes	51 00	131 00
Specie—Silver	2,479 30				
Gold	14,633 87	17,113 17			
		$56,331 64			$56,331 64

State of the Branch at Fort Wayne of the State Bank of Indiana, November 20, 1858.

DEBIT.			CREDIT.		
Notes discounted	$9,089 96		Notes in circulation—Ones, Two and Threes		$22,717 00
Bills of exchange	7,681 90		Individual deposits	$1,135 45	
Suspended debt	4,859 80		Permanent school fund	121 61	
		$21,631 66	Surplus	48,603 40	
Banking house of State Bank	1,841 80				49,860 47
Current expenses	15 90		Surplus dividend		2,061 26
Real estate	12,956 04		Dividend		265 22
		14,812 84	Stock dividend		997 37
State Bank of Indiana		50	Interest		49 70
Franch Bank at Indianapolis		1,227 00			
Phœnix Bank, New York	814 32				
Winslow, Lanier & Co., New York	1,221 86				
A. Hamilton & Co., Fort Wayne	11,855 00				
Bank of the State of Indiana, Branch at Fort Wayne	9,046 80				
		22,957 98			
Premium	2 05				
Railroad stock and bonds	6,685 00				
		6,687 05			
Notes of other banks	5,023 00				
Gold and Silver	3,610 99				
		8,633 99			
		$75,951 02			$75,951 02

H. McCULLOCH, *Cashier.*

State of the Branch at Bedford of the State Bank of Indiana, November 20, 1858.

DEBIT.			CREDIT.	
Bills of exchange		$3,376 18	Surplus fund	$9,994 91
Suspended debt—On notes	$2,650 00		Branch Bank Notes, viz:—On hand	57 00
On bills	1,110 05		In circulation	21,624 00
		3,760 05		
Banking house	1,000 00			
State Bank banking house	1,238 46			
		2,238 46		
Protest account		6 81		
State Bank Branch at Indianapolis	868 00			
Bank of the State, Branch at New Albany	4,318 91			
Bank of the State, Branch at Bedford	616 65			
		5,804 56		
Louisville Savings Institution	220 44			
Winslow, Lanier & Co., N. Y.	10,498 17			
		10,718 61		
Effaced notes	29 00			
Individual deposits	66 98			
Profit and loss	5 57			
		101 55		
Cash, viz:—Notes of this Branch	57 00			
Notes of other Branches	52 00			
Gold	5,560 00			
Silver	69			
		5,669 69		
		$31,675 91		$31,675 91

I. RECTOR, *Cashier.*

On motion by Mr. Heffren,
The report was laid on the table, and 500 copies ordered to be printed for the use of the Senate.

Leave being granted,
Mr. Tarkington, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution of the Senate requiring them to ascertain on what terms the Daily Sentinel and Journal will publish reports of the proceedings of the Senate in the same manner and as fully as they were published by the Legislative Sentinel, of the last session, have had the same under consideration, and report that the Sentinel and Journal office each propose to deliver one hundred and fifty copies of the Daily Sentinel and Journal, two copies enveloped and stamped and one loose, for 5 cents each, or $7 50 per day. The Sentinel office say they cannot publish as full reports as they made at the extra session unless the Legislative Sentinel should be taken by the Senate. The Journal office propose to furnish as full reports as they made at the extra session for the price before mentioned. The Sentinel office makes a further proposition, to-wit: That if the Senate will furnish them with copies of the proceedings of the Senate, they will publish them in the Daily Sentinel at the rate of forty cents per thousand ems., for composition, and furnish as many copies of the daily paper to the Senate as may be ordered, at the regular subscription price of 12½ cents each per week. They further propose to furnish two hundred copies of the Legislative Sentinel, bound, for $400, or three hundred copies for $425, provided it does not make over two hundred pages. If it exceeds two hundred pages, the price to be in proportion for each additional page. The committee therefore offer for adoption the following resolutions:

Resolved, That the Doorkeeper procure three copies each of the Daily Sentinel and Daily Journal, two enveloped and stamped, and one copy of each loose, as per agreement.

Mr. Green, from the same committee, made the following supplemental report:

MR. PRESIDENT:

The undersigned, two of the committee, further recommend the taking of the Weekly American, Volksblatt and Free Press, three copies each, two of the American and all of the German to be stamped; and report that the same can be had at the following rates:

German papers stamped, 5 cents each; American, stamped 6 cents, without the stamp 5 cents.

JOHN GREEN,
DAVID TURNER.

Mr. Williams moved to recommit with instructions to contract with the proprietors of the daily papers of the city for four hundred copies of their daily papers, to be taken daily by the Senate; *Provided*, They will publish as full proceedings as the Daily State Sentinel did at the extra session; *Provided*, The same can be had at the same rates they furnished them at the extra session.

Pending which,
On motion by Mr. Wallace,
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

On motion by Mr. Weir,
The further consideration of the Governor's message, which was made the special order for to-day at 2 o'clock, P. M., was postponed until to-morrow at 2 o'clock, P. M., and made the special order for that hour.

The Senate resumed the consideration of the motion of Mr. Williams, and the pending instructions therewith, pending at adjournment.

On motion by Mr. Heffren,
The motion, pending instructions, report of the select committee, and all matters properly connected therewith, were laid on the table.

On motion by Mr. Hamilton,

Resolved, That the committee on printing inquire into the expediency of reducing the price paid for the printing of the Journals of the Legislature, the laws of the State, and such other printing as is necessary for the State of Indiana, for which the State pays, and report by bill or otherwise.

Mr. Green, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 3, "a bill attaching the counties of Hancock, Madison, Hamilton and Tipton to the seventh judicial circuit, and fixing the time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith," have had the same under consideration, and have directed me to report it back with the following amendments, and when so amended, to recommend it passage.

Amend the first section as follows: After the word "Tipton" add the word "Howard."

Amend the second section by striking out all after the word Madison, and insert the following: On the fourth Mondays of February and August; in the county of Hamilton, on the second Mondays in March and September; in the county of Tipton, on the fourth Mondays of March and September; in the county of Blackford, on the second Mondays of April and October; in the county of Howard, on the fourth Mondays of April and October, and in the county of Delaware on the first Mondays of May and November.

Amend section 3 to read as follows:
The said court, if the business thereof so require it, shall sit in the counties of Hancock, Madison and Hamilton two weeks each, in the counties of Tipton, Howard and Blackford one week each, and in the county of Delaware three weeks each term.

Also, amend the sixth section, in the first line, after the word "fifth" add the "eleventh," and by adding the same words in like manner in the fourth line.

Which report was concurred in.

Mr. Murray moved to consider the bill as engrossed, and that it be read a third time now.
Which was agreed to; and

The bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stu-

dabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—47.

Senators Bennett and Fisk voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Green,
The title of the bill was amended to read as follows:

"A bill attaching the counties of Hancock, Madison, Hamilton, Tipton and Howard to the seventh judicial circuit, and fixing the time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith."

The President laid before the Senate the following report of the Trustees of the Wabash and Erie Canal:

INDIANAPOLIS, Jan. 13, 1859.

HON. J. R. CRAVENS,
President of the Senate:

SIR:—Accompanyning this note I have the honor of submitting the annual report of the Board of Trustees of the Wabash and Erie Canal, which you are respectfully requested to lay before the Senate.

Very respectfully,
THOS. DOWLING,
Resident Trustee.

To the General Assembly of the State of Indiana:

The Board of Trustees of the Wabash and Erie Canal, in obedience to law, have the honor to submit their annual report to the General Assembly.

The Canal was opened for navigation on the 5th day of April last, after the usual winter suspension, and closed by ice on the 8th day of December.

The Trustees have to report a series of disasters to the Canal in the month of June last, caused by the excessive floods beginning on the 8th of that month, by which great damage was done to the structures and embankments between Delphi and Terre Haute. The rains which fell during the entire month of May, and which proved so disastrous to agricultural industry, came in full force on the 8th and 9th of June, raising the river and creeks in the Wabash valley higher than they had been since 1828, and at most points higher even than in that disastrous year. These floods extended over a

large portion of Ohio, Indiana and Illinois, and the damage sustained by various public improvements was immense. The Canal under our charge sustained a full share of the general ruin which followed the overflow referred to.

By referring to the report of the Chief and Resident Engineers, hereto appended, it will be perceived that the greatest amount of damage was sustained on that portion of the Canal between Wild Cat creek and the Wea, both inclusive, covering a distance of some six miles. The abutment of the dam at Wild Cat, and the fine bridge over that creek, were swept away, the Canal itself, for forty rods north of the creek, filled with sand and gravel, and a portion of the embankment carried out by the flood. The damage at Wea creek was equally disastrous. The aqueduct over that creek, consisting of three spans, supported by two abutments and two piers (in all 140 feet long), was also destroyed, and several heavy breaks made in the embankments and feeder. The aqueduct over Shawnee creek, 90 feet long, was likewise destroyed, with the exception of the north abutment. The feeder dam at that point was likewise seriously damaged, two heavy breaks made in the feeder bank, and three in the Canal embankment between Attica and Shawnee.

At Coal creek, in Parke county, a serious breach was made in the guard bank at that place, permitting the whole stream to pass around the dam and across the high banks of the Canal, carrying out at both about 25,000 cubic yards of embankment. No injury was done to the dam or guard-lock, and the wooden structures remained unimpaired.

The next serious damage south of Coal creek was at Spring creek, where a culvert was washed out, and some slight injuries done to the embankment at that point. The Otter creek aqueduct and embankment adjoining received slight damage likewise. The most serious injury to the Canal in the neighborhood of Terre Haute, however, was the washing away of forty-six rods of embankment within the limits of the city, carrying out some 14,000 yards of sand and gravel, and completely destroying that portion of the Canal under the bluff banks of the river. This embankment stood all the freshets of the river for nine years, without any apparent injury, and its destruction in June last was caused, doubtless, by the building of the piers of the river bridge of the Terre Haute and Alton Railroad, just above the site of the embankment. These piers have formed new channels in the river, and forced the heavy currents of the Wabash directly against the embankment of the Canal, causing a constant washing of the base thereof, and undermining the loose materials which compose it.

These enumerated cases comprise the chief damage to the Canal north of Terre Haute, with slight abrasures in the embankments at various points, which were repaired in time to secure the flow of water from the feeders on the resumption of navigation. The entire outlay for these repairs, as per vouchers furnished, amounts to $55,439 31. It is a just tribute to the officers charged with these

repairs to say that the greatest energy was displayed by them, and by all employed under their direction, in putting the Canal in order for the fall trade, and that no effort was spared to secure the early resumption of navigation. When it is considered that the most expensive structures had to be rebuilt, and with materials obtained at distances of from ten to thirty miles, and at a season of the year when the labor of the country was in constant demand, some idea may be formed of the judgment, skill and energy with which the Chief Engineer and his assistants labored to repair the waste and destruction caused by the floods. The structures are rebuilt in the most substantial manner, and the Trustees are gratified in being able to state that the Canal north of Montezuma is in better condition than it has been since its construction. By this unlooked for disaster the active operations of navigation were materially retarded north of Terre Haute, on that portion of the Canal which has heretofore secured the largest amount of trade and given the most satisfactory revenue. This suspension of navigation materially diminished this year's receipts, and has greatly curtailed the means at the disposal of the Board. From the 10th of June to the 26th of August navigation was entirely cut off from Delphi to Terre Haute, and at the latter date boats loaded and cleared from Lafayette to Toledo, and shortly after that time the water was passed down to Attica, and as soon as it was possible to fill the levels in the dry month of September, to Perrysville, Montezuma and Terre Haute. Though the season of navigation was far advanced before the re-opening, the tolls on the Canal north of Terre Haute for the months of September, October and November, as reported by the collectors, amounted to the sum of $32,755 40.

In the annual report of the Trustees, dated December, 1852, they deemed it a duty to refer to the action of the Legislature of Indiana, in passing a general law for the incorporation of railroads, then recently enacted. It was then thought to be a serious innovation on the future value of the Wabash and Erie Canal as a revenue measure. The failure of the State authorities to protect, by a proper limitation, the property which had been recently placed in trust for the one half of the entire public debt, was received by the bondholders in this country and Europe, with just alarm. Under this law, certain parties proceeded to organize a company to construct a railroad from Toledo to Attica, running parallel with and near the embankment of the Canal, a distance of two hundred and forty-five miles. About the same time, but under a special act of the Legislature, a company was organized to construct a railroad from Evansville to Terre Haute, thus making, very nearly, a continuous railroad along the entire line of the Canal. In that report, the Trustees said: "How far the construction of the various lines of railways which have been projected under the general act passed by the General Assembly at its late session, running parallel with and near the Canal, may operate to damage or impair the security provided for the bondholders in the public debt act, it is impossible for the Trus-

tees to decide. They do not find in the general railway act any limitation upon the right to construct a railroad along the line of the Canal, nor any reservation of the tolls upon the property to be transported by such railways, if constructed. The Trustees deem it their duty, however, to present the subject to the Legislature, as it is entirely within their province, not doubting that they will at all times discharge their obligations to their bondholders under the public debt act, and maintain inviolate the securities therein provided."

Thus early did the Trustees urge upon the General Assembly of Indiana a review of their action of the previous Legislatures, and a timely remedy for apprehended violation of the rights of the creditors of the State. These suggestions were repeated from time to time in subsequent reports, and no occasion was omitted to place the public authorities in full possession of the views and feelings of those most interested in the preservation of the Canal as a revenue measure. After a lapse of six years since the date of that report, we find our worst fears realized, and the Canal so cripled in its business as to be incapable of paying the repairs necessary for its preservation.

We cannot better illustrate this decline in the tolls, and the causes which produced it, than by referring to the business of two of the most important collecting offices on the line of the Canal north of Terre Haute. The yearly receipts of tolls from *incoming* merchandise, groceries, and other articles of import, from 1850 to 1853 at the Fort Wayne office, ranged from $57,000 to $65,000, and was gradually increasing with the growth of the country supplied through the Canal. The opening of the transverse railroads, touching at Peru, Lafayette, and Terre Haute, all incorporated after the passage of the State debt act, diverted a portion of these goods, but this diversion would have been partly compensated by the increased trade of the intermediate districts not traversed by railroads. But with the opening of the railroad along the margin of the Canal from Toledo to Attica, connecting with the transverse roads at the various points, and competing everywhere at unreasonable low rates, a diminution of receipts from imports began, running down the tolls from this source alone to about $15,000 in 1857 and 1858. The regular diminution from year to year under this railroad competition, is shown by the following statement of annual receipts at the Fort Wayne office, which collects little ese than the tolls on the incoming goods. We append these receipts for the last nine years at Fort Wayne:

For the year 1850, receipts.....	$57,511
For the year 1851, receipts.....	66,257
For the year 1852, receipts.....	61,231
For the year 1853, receipts.....	65,923
For the year 1854, receipts.....	56,935

For the year 1855, receipts	$40,834
For the year 1856, receipts	27,747
For the year 1857, receipts	15,964
For the year 1858, receipts	15,191

No one acquainted with the subject, and the country through which this portion of the Canal passes, can question the statement, that without the construction of the Toledo, Wabash and Western Railroad, the yearly receipts of tolls, from imports alone, at the Fort Wayne office, by this time, would have reached $100,000. And this is not the worst feature of the competition permitted. The diversion of the incoming freight has an influence upon the Canal revenues further than is exhibited in the foregoing statement, in this: It lessens the ability of boat owners to compete with the railroad in the transportation of the heavy produce of the country to the lake. Having now very little back or return loading from Toledo, the railways having diverted the merchandise, the whole expense of the voyage to that place is necessarily borne by the charges on the outgoing cargo, and hence, to pay expenses, they are compelled to charge higher rates than if back loading of merchandise could be relied upon, as before the road was opened. Business men will see at a glance, how completely the Canal revenues have been cut down at a single point, and from causes over which the Trustees could have no control.

The export or outgoing trade has suffered equally with the imports. The receipts at the Lafayette office from 1850 to 1858, both inclusive, exhibited the same adverse influence as the Fort Wayne office. Lafayette has been the largest exporting office on the Canal, and the shipments of wheat, corn, pork, beef, and miscellaneous articles were very heavy until the railroad was permitted to take away its trade.

To show the falling off of Canal receipts and the diminution of export tolls, we append the receipts at the collector's office at Lafayette for the last nine years:

For the year 1850, receipts	$56,627
For the year 1851, receipts	62,148
For the year 1852, receipts	74,177
For the year 1853, receipts	58,413
For the year 1854, receipts	63,641
For the year 1855, receipts	44,019
For the year 1856, receipts	40,405
For the year 1857, receipts	14,124
For the year 1858, receipts	12,695

Comparing the highest sum received at the Fort Wayne office in the year 1851, and the highest received at the same office in 1857, and here we have a falling off of more than $50,000 in a single year, after the railroad was put in operation. Comparing, in a like man-

ner, the receipts at the Lafayette office for the year 1852, with the receipts at the same place for the year 1857, and we find a reduction in our income for one season, of full $60,000, or $220,000 for the years 1857 and 1858 at the offices of Fort Wayne and Lafayette alone. During the entire year of 1857, and previous years, the Canal was in good order, and that year is, therefore, the fairest test to judge of the adverse influences of this unexpected competition on Canal revenues.

On the entire Canal from Fort Wayne to Covington, in 1846, the year previous to the Canal passing into the hands of the Trustees, the receipts were at all offices $102,424, which, in 1847, rose to $125,982. In 1848 the receipts reached $146,148; in 1850, $157,-158; in 1851, $179,282, and in 1852 these receipts touched their maximum, and were $193,400. For the next two years there was a slight decline, but that decline was insignificant, partly superinduced by local causes, and by the transverse railroads tapping the Canal at the three points above named. But the final completion of the Wabash Valley Road established the decline in Canal tolls which so seriously affected our revenues. In 1855 the falling off was $40,135; in 1856 the reduction was $67,111; and in 1857 the falling off in Canal receipts was fully $130,000, as compared with the tolls of 1852. This serious innovation upon our revenues, amounting in three years to the sum of $237,000, is traceable chiefly to the establishment of a railroad which competes with the Canal at every point of shipment. This road had no franchise when the Canal trust was organized. It is built, almost literally, on the embankment of a Canal transferred to secure the principal and interest of seven and a half millions of dollars of State indebtedness, thus destroying the security tendered to and accepted by the creditors of the State in 1847.

The railroad shipments during 1858, from a section seventy-five miles in length, of the Wabash Valley, extending from the vicinity of Attica and Covington to Peru, which we have been able to collect from various sources with tolerable accuracy, amounts to about fifty thousand tons, consisting of corn, wheat, pork, beef, lard, whisky, and embracing such proportion of the live hogs, as heretofore has been packed on the Wabash. These articles, without the railroads, would have gone to market by the Canal, and the toll arising therefrom is estimated at near $40,000 00. From the difficulty of getting information on this subject, (the books of the road not being accessible,) we feel quite confident that the exports referred to were more than the figures given. It is, however, an approximate estimate, and serves to show how greatly the Canal revenues have been impaired by the legislation which followed the transfer of the Wabash and Erie Canal. The loss on incoming goods, or imports, we have no means of ascertaining by actual figures, for the reason heretofore stated. We have no reason to doubt that the aggregate loss of tolls on the Canal, north of Terre Haute, for the last three years, will

reach the yearly sum of $150,000 00, caused alone by the authority given to private individuals to compete for the business of transportation on this line. The increase of tolls from 1846 to 1852 was, indeed, most satisfactory on this portion of the Canal, showing an almost uniform yearly gain of eleven per cent. Had nothing occurred to divert the business into new channels, or to divest the Canal of its rightful tolls, the income of the entire work, by the year 1858, at the same per cent. of increase, would have reached $363,000 00. So great a disappointment of the just expectations of the creditors of the State ought surely arrest the attention ot the General Assembly, as well as the notice of the people of Indiana. When it is recollected, too, that the three annual Legislatures which convened mmediately subsequent to the passage of the act provding for the public debt, peremptorily refused to charter the railroad now used to destroy these revenues, on the express ground that it would be a palpable violation of the good faith of the State and the vested rights of the bondholders; makes this infringement one of obvious injustice. Indeed so glaring was this attempted violation considered, at that time, that the bills to charter the Evansville and Terre Haute, and the Wabash Valley roads, were defeated by commanding majorities.

In regard to the Canal south of Terre Haute, before the Trustees had any opportunity of testing its value, in that particular, a railroad from Evansville to Terre Haute, authorized by the State, was in a rapid course of construction, aided by the leading business men at both ends of the line. This had the effect of deterring business men, at the terminus of the Canal and elsewhere, from engaging, to any considerable extent, in the business of boating, and the result is as might have been apprehended. The Canal north of Terre Haute had no boats to spare, for the building of the Wabash Valley Road had created a similar feeling at that end of the Canal, and many persons went out of the trade, and few, if any, new boats were built to supply the place of those worn out and decayed. The Trustees were prohibited by law from all participation in the business of transportation, and could neither own boats or be concerned in their ownership. They were compelled to rely solely on the enterprise of such private citizens as might choose to embark their industry and means in Canal transportation, and this number was found to be quite inconsiderable. To encourage the building and use of boats on the Canal, however, the Trustees reduced the tolls down to the lowest standard, but this did not avail. The highest number of boats navigating the southern end of the Canal, and owned south of Terre Haute, never exceeded thirty-three (33). In this condition of affairs, all the Trustees could do was to keep the Canal in repair, to the extent of their ability, and to hope that the increase and improvement in the business of transportation would bring some adequate return for the expenditure made on that portion of the Canal.

Thus far its earnings have been entirely inadequate to keep the work in repair, and it cannot be maintained from any means at the disposal of the Trustees. The unequal struggle has been maintained

by the Trustees to the extent of their ability, in the hope that time and the increase of business along its borders would give to the work the business which had been anticipated. From the time of the organization of the Trust, in 1847, to the 1st of December, 1858, there has been expended on this portion of the Canal the sum of $2,087,143 69, which includes the outlay for construction, damages to claimants for right of way, engineering, repairs of Canal, expenses of land and collectors' offices, and interest paid to contractors $2,087,143 69

Lands sold in Vincennes District.....	$1,314,779 71	
Tolls collected to Dec. 1, 1858.....	48,530 91	
		1,363,310 62
		$723,833 07

To this should be added a proportional amount of the general expenses of the Trust since 1847.

There yet remains 135,000 acres of land in the Vincennes land district, in the hands of the Trustees, unsold, valued at $276,713 30.

This heavy balance against the lower division of the Canal is not owing to any material increase in the cost of construction, which is but a trifle more than the estimates made in 1846 by Messrs. Fauntleroy and Ball, the engineers employed by the State for that purpose. The estimate made in 1846, as the cost of this section of the Canal, was $1,560,371, while the actual cost is but $1,623,901 47.

Considering the increased price of labor in the years between 1846 and 1853, and the enhanced value of food of all kinds, this near approach to accuracy has not failed to attract the attention of those conversant with works of this character. The approach of the *actual* to the *estimated* cost, in this instance, can safely challenge a parallel in a work of similar magnitude.

Like all new Canals, the navigation on this division was liable to frequent interruptions by the sliding of the embankments, and more especially on that portion of it contiguous to White River, and along the bluff banks of that stream. This was particularly the case during the years 1854, 1855 and 1856, but as the embankments acquired age, this tendency has greatly decreased, and the Trustees have the satisfaction to report fewer interruptions from that cause than formerly, and especially during the year 1858. Though the revenues of this portion have been but meagre, and but few boats navigate it, the Trustees did not feel themselves justified in withholding from the repair service on this line the funds called for by the Superintendents, and, therefore, large amounts have been expended to keep it in navigable order. There has been expended on the four divisions south of Terre Haute (149 miles) for repairs, during the years 1854, 1855, 1856 and 1857, the aggregate sum of $160,331 78, and on the last *four* divisions north of Terre Haute (181 miles) during the same years, the gross sum of $193,340 90. The greater distance on the four upper divisions, and the rebuilding of decayed structures on

the old portion of the Canal will fully account for the difference in expenditure on the upper and lower districts. For the ordinary repairs, the Canal south of Terre Haute has absorbed more of Trust funds than any portion of the line embracing the same distance and covering the same character of work.

For a more detailed statement of the condition of this division of the Canal, we respectfully refer you to the Report of the Resident Engineer, who has special charge of it, and to whom the Trustees look at all times for information as to its condition. It will be seen, by the report referred to, that a considerable outlay will be required to put that portion of the work in proper repair, and to remove the deposit of mud in the bed of the Canal, caused by the washing of the slopes of the deep cuttings at Patoka and Pigeon Summits, during the heavy rains of May and June last.

In the summer of 1857 a large amount was expended by the Trustees in cleaning out these washings of the deep cuttings and high bluffs, and they had hoped that further outlays of that character would not soon be called for. It seems, however, that new expenditures for this service are necessary, and the notice of the Trustees is called to the subject by the report of the Resident Engineer, just submitted to the Board.

The total amount of tolls and water rents received during the year 1858 is $63,996 44. The amount paid out for repairs and other works on the Canal during the year is $143,824 56, showing a deficiency of $79,828 12, which deficiency has been supplied by the proceeds of the lands belonging to the Trust.

The revenues of the Canal for the year 1857 were $60,165 08, and the expenditures for repairs, &c., were $115,694 46, leaving a deficiency of $55,529 38 for that year, to be a charge on the land.

The estimated outlay required for ordinary and necessary purposes on the entire Canal, for the year 1859, is $155,722, of which $92,849 is for the Canal south of Terre Haute, and $62,873 for the Canal north to the State line—exclusive, in both cases, of the general expenses of the Trust.

The cash means of the Trust on hand on the first December, as appears from the statements herewith submitted, were $24,253 42, which has been further reduced by payments on repairs and expense accounts made since that date.

During the winter there are no tolls to be received from the Canal, while the sales of lands at this time are uncertain and inconsiderable.

There are also liabilities to a considerable amount outstanding for which provision is required to be made, including an amount of about $11,000 in judgments against the Board, which the Trustees deemed it their duty to appeal to the Supreme Court, and in which cases appeal bonds, with security, have been given by the Trustees.

Thus it is shown that the Trustees have not funds in their hands, and that there is no prospect that they will realize an amount from

the tolls and revenues of the Canal during the ensuing season adequate to defray the expense of opening and maintaining the same.

If the Trustees were permitted to use the proceeds of the remnant of Canal lands for this purpose, still the moneys to be derived from that source would be totally inadequate, such lands being reduced so greatly in quantity and quality that the sales are too limited and uncertain to furnish a reliable basis.

CANAL LANDS.

During the year ending 30th November, 1858, the Trustees have sold, of the lands in the Vincennes land district, 20,363 acres, for the sum of $40,737 67, being a reduction from the sales of last year of 29,401.37 acres, and $63,982 51 in cash.

This result was far below the expectation of the Trustees, as they had anticipated a receipt of at least $75,000, and is probably owing to the diminished quantity of the lands unsold and their location. It can hardly be expected that the sales in any future years will exceed those of the present.

The Trustees append to this report a tabular statement of the lands sold during the year, showing the quantity of acres of each class and the total receipts in cash for each month. Also, a statement showing the total quantity of lands unsold, the class, county where situated, and the total valuation, from which it will be seen that there are yet unsold 135,354.70 acres, valued at $276,202 58.

The total receipts of the land office east of Tippecanoe for the fiscal year ending 30th November, 1858, were $7,338 44, of which was in scrip, of principal $5, and of interest $4 16.

The total receipts west of Tippecanoe for the same period were $7,821 47, of which $80 were in scrip.

The total valuation of principal and interest and unsold lands east and west of Tippecanoe, as nearly as can be computed, on 1st December, 1858, is as follows:

East of Tippecanoe	$23,766 23
West of Tippecanoe	42,691 25
Total	$66,457 48

In this estimate the full interest has been computed on all the delinquent lands, yet it is hardly probable that the Trust will ever be able to collect all of it, as many of the lands have been advertised for eight or ten years and no purchaser has been found. The closing up of the affairs of this office, east and west of Tippecanoe, may show a considerable reduction of the estimated amount.

The lands east remaining unsold, and which were not appraised, but were estimated at five dollars per acre, have since, under the order of the Trustees, been appraised and offered for sale at an average price per acre of $3 85.

The number of acres remaining unsold east is 999.53, valued at $3,841 83; and west, 1,571.08, valued at $3,102 11.

The measures adopted by the State Trustee for the protection of the lands in the Vincennes district against waste and trespass, have been successful to that end, and prevented much damage to the timber. The amount of suspended debt is $66,000.

The Board of Trustees have been furnished with the proceedings adopted at a meeting of the joint committee of the bondholders, held in the city of New York during the latter part of November. The preamble and resolutions, it will be observed, were unanimously adopted, and express the opinions of the entire body of Canal certificate holders, both in this country and in Europe. They embrace the following declarations and recommendations, viz:

1. That the State of Indiana, by her legislation, has "impaired" the Canal revenues, and not only rendered them inadequate to furnish the interest on the moiety of the debt for which the work was received in trust, but has actually reduced them below the standard necessary to keep the work in repair.

2. Requesting the Board of Trustees to take immediate steps to suspend the working of the Wabash and Erie Canal, or any portion of it, when in their opinion the revenue of the whole or any portion of the same shall be insufficient to pay the expenses of repair; and that no portion of the trust funds, except the tolls and water rents, are, or should be, applicable to that service.

3. Requesting the Trustees to suspend *at once* the working of the Canal south of Terre Haute, the tolls collected on that division having failed to pay even a moiety of the expenditure for repairs, and deeming it unwise to exhaust the funds collected from other sources, or to work that division at so great a loss and sacrifice to the trust funds placed at their disposal.

4. Requesting that the proceeds of the lands in the Vincennes land district, yet unsold, be applied to the payment of the certificates issued for the advance of $800,000 to complete the Canal to Evansville, according to the terms of the act, and protesting against the application (after paying existing liabilities) of those proceeds for any other purpose than the redemption of the bonds referred to.

5. Asking the Legislature to give the Trustees the right to sell the lands yet remaining, and undisposed of, at such advanced price as may be agreed upon by themselves and the purchasers thereof; and also, that it may be lawful for the Trustees to receive the certificates issued for the said advance of $800,000 in payment of these lands, at the prices and rates which may apply to all other purchasers.

Acting equally for the bondholders and the State of Indiana, the Trustees respectfully submit this communication from the committee of the bondholders to the consideration of the Legislature. We may be allowed to remark that this committee is composed of American citizens, some of them long and intimately acquainted with all that concerns Indiana and her funded debt, and from the commencement

of her financial embarrassments, have taken a lively interest in their adjustment.

In the changed condition of the Canal as a revenue measure, it must be obvious to the General Assembly that the bondholders have no longer any interest in its operations *as a security*, and the expression of their views in the communication to the Trustees herewith submitted, may be regarded as evidence of this fact.

The Trustees, relying on the income of the Canal for means to maintain it, are powerless when these resources fail to afford sufficient for the purpose, and can only, as in duty bound, report the facts to the State and her bondholders. This they have faithfully done, and in language becoming the gravity and importance of the interests involved.

The basis of the public debt act is that the Canal would be productive always; that its tolls and revenues would be ample to sustain it, and yield a revenue beyond, applicable to the repayment, first, of the money advanced for its completion, and then of the interest on, and finally the principal of the one-half of the State debt, for the payment of which it was pledged; the Trust was to continue and be inviolate until its objects and purposes were fully accomplished by means of the tolls and revenue of the Canal, or until the State should redeem the same by the payment of the debt, which she reserved the right of doing after twenty years from the 19th January, 1846; and if, prior to that date, the tolls and revenues of the Canal should pay the amount of the debt, principal and interest, then the Trust terminated and the Canal reverted into the hands of the State. The act, nowhere and in no provision of it, seemed to contemplate the deficiency of tolls and revenues of the Canal, such as has been experienced within the past few years. The causes to produce them were not then in existence, and, for this reason, were not provided for.

If the beneficent objects and purposes contemplated and provided for by the State debt act creating this trust appear to have been utterly and permanently defeated, the responsibility of it rests with the power creating it; the power creating the Trust was the only power that could protect and preserve it in its integrity, and by its fostering and encouraging care, aid in the accomplishment of its objects and purposes. Those objects and purposes were so intimately connected with the honor and character of the State, and the welfare and interest of her citizens, that her bondholders might well rely with implicit confidence on the security provided for them in the act, and agree to look to it, and to it alone, as their security, and give an earnest of that confidence by a cheerful contribution of a further large sum of money to aid the State in her extremity, and strengthen her ability to do justice to her creditors.

If the idea has obtained credence that the State had sold the Canal to her bondholders in payment of one half of the State debt, and that the bondholders had accepted it in payment, and the people of the State was therefore freed from the burden forever, it unquestion-

ably is to be traced to this feature of the public debt act, and the undoubed confidence felt by all parties that the security provided would secure that object, a simple reference to the language of the act and its pervading spirit will sufficiently correct any such mistaken idea of the State debt arrangement.

In the report of the Trustees for the year 1857, made to the Governor, they endeavored to demonstrate the losses and disasters to accrue to the State, and to large individual interests, by an abandonment of the Canal, and they now refer the General Assembly to that report. The considerations therein expressed are rendered more pressing by another year's experience. Though the prospects at the commencement were as discouraging as the results have proved disastrous in the end, yet they considered it their duty under the public debt act, to use all means in their power to maintain the navigation of the Canal during the year, and until the General Assembly had convened. And the Trustees now present this statement showing that without the immediate interposition of the interest and power of the State, there must be a suspension of all further operations in the maintenance, use, and enjoyment of this great and chereished work of internal improvement.

It is not possible to express the disastrous effect of such a suspension upon the material interests of the people of the State of Indiana. A large portion of the Canal has now been in operation for nearly twenty years, and the entire line since 1853. Large property interests and individual operations of great extent and value have grown up under and in connection with it; and, relying on the settled policy of the State to establish and maintain the Canal, numerous citizens were induced to invest their capital and predicate their expectations of the future upon the legislative provisions which gave existence to and promised a fostering care over it.

A suspension of business on its extended line of navigation will instantly impair, if not annihilate, this capital, and defeat those expectations of life. Thousands of the citizens of the State, who have embarked their industry and means in commercial and manufacturing interests in connection with the Canal, will be seriously damaged. The owners of boats, transportation lines, warehouses, and manufactories, will receive the first crushing effect of the suspension. Directly the agricultural interests along the line will suffer. In some localities, not otherwise accommodated with the means of transportation to market, a sudden decline in the value of all agricultural productions will be realized, and everywhere along the whole line, by the increased cost of transportation by railways, not then restrained by the competition of the Canal, the farmer will surely feel its great loss by a sensible diminution of the value of all his products.

Besides, the Canal, in its state of neglect and decay, will doubtless affect injuriously the health of many localities, and become a fruitful source of disease.

The Trustees feel constrained to make one other remark in connection with this subject, and to bring the matter specially to the

notice of the public authorities of the State. Should navigation be suspended even for a single year, great damage would be done to the *Canal itself*. The exposure of its embankments, dams, locks and other structures to the elements, and to the decay which would rapidly follow such exposure, could not fail to involve an expenditure of many thousands of dollars to put them in their present good condition. Indeed any suspension would so greatly damage the Canal that the State may well adopt prompt measures to provide for every contingency.

The system of Canal transportation being prosecuted by many and various carriers, acting on individual impulses and motives, and without combinations to enforce the payment of exorbitant rates, is always favorable to fair and legitimate charges, and can never act oppressively on the commercial or agricultural industry of the country. That competition will always leave to the producer and merchant a fair margin for profit between the prices in the interior and the seaboard; with the railroad it is far different. It is, of itself, the arbiter of values in every species of trade. It owns the warehouses, the track, the cars, and the locomotives. The road makes its own contracts and resolves with the will of one man. It leaves no margin till its own margins are full, and can change and increase its tariff when it has beaten down all competing routes of transportation, and thus become the regulator, not only of the tariff of freights, but, to a great extent, of the prices which shall govern the commerce of the people.

The Board, having fulfilled its duty in presenting to the Legislature the condition of the Trust property, leave it entirely to their wisdom to take such action in regard to the Canal as may be required for its preservation and future usefulness to the people of the State.

The Trustees transmit tabular statements showing the amount received for tolls and water-rents at the various offices during each month of the year, and the tonnage and kind of shipments; also, statements exhibiting the sales and receipts at the land offices for each month of the year; also, statements of the Wabash and Erie Canal stocks, showing the amount of preferred and deferred stocks; also, a summary statement of receipts and disbursements from the commencement of the Trust to the first day of December, 1858; also, statements of receipts and disbursements during the year ending the first of December, 1858.

The balance on hand on the 1st day of December, 1857, was	$84,346 02
Add to this the amount received from all sources during the year	121,343 79
Making	$205,689 81
The amount paid out during the year is	181,436 39
Leaving a balance on December 1, 1858, of	$24,253 42

The balance due on the bondholders' advance of $800,000 is, of principal $571.130, and of interest, which the Trustees were unable to pay for the year 1858, $34.267 80, making $605,397 80 due on this loan on the first day of January, 1859.

Respectfully submitted:

CHARLES BUTLER,
GAYLORD G. BARTON,
THOS. DOWLING,
Trustees of the W. & E. Canal.

OFFICE OF THE BOARD OF TRUSTEES OF W. & E. C.
Terre Haute, January 11, 1859.

PROCEEDINGS OF JOINT COMMITTEE OF BONDHOLDERS.

At a meeting of the joint committee relating to Wabash and Erie Canal matters, held at the office of Winslow, Lanier & Co., on the 23d November, 1858, in pursuance of notice, there were present:

Messrs. J. F. D. Lanier, *Chairman;* John Ferguson, Daniel B. Ryall, W. M. Bliss, L. C. Clark, Charles A. Davis, Gracie King, J. N. Perkins, Isaac Seymour.

The following preamble and resolutions were presented by Mr. Bliss, and unanimously adopted by the committee, viz:

WHEREAS, By certain enactments of the Legislature of the State of Indiana, passed at the sessions of 1845, 1846 and 1847, the unfinished Wabash and Erie Canal, and the residue of the lands donated by Congress for that work, were pledged by the State, in trust, as security for one-half of the public debt of that State;

AND WHEREAS, The holders of its bonds, after receiving the explanation of the highest executive officer, and the opinions of her most eminent and enlightened citizens, agreed to accept of such security, on the solemn pledge made to the bondholders by the Legislature that the tolls, revenues and profits of said Canal, present and future, *should remain and be inviolate and in full force* until the purposes of the said enactments should be fully and equitably accomplished, and also, that the operations of the said acts and the revenues, which they were intended to secure, should not be *molested, or impaired, or arrested, or attached* by the State of Indiana;

AND WHEREAS, It now appears that the business of the Canal has been seriously affected, and its tolls and receipts so far impaired, that they cannot be relied upon as a source of income to the holders of Canal stocks, but that its revenues are insufficient even to keep up the ordinary repairs incident to all works of that char-

acter, and this condition of things having arisen from, and being traceable to the incorporation by the State of Indiana, of two or more railroads along or near the banks of said Canal, by reason of which its revenues have been greatly impaired and curtailed, that it no longer forms any security for the moiety of the debt for which it was received in trust; therefore,

Resolved, That this meeting regards, with the deepest regret, the policy which has thus rendered inoperative the intentions of those who brought about, in good faith, the arrangement of the public debt of Indiana, in the years 1846 and 1847, founded as that arrangement was, on the solemn pledges of the State of Indiana, on the one hand, and the implicit and unsuspecting confidence of the subscribing stockholders on the other.

Resolved, That this meeting, representing the interests and wishes of the foreign and American bondholders, request the Board of Trustees to take immediate steps to suspend the working of said Wabash and Erie Canal, or any portion of the same, whenever in their opinion it shall be found that the revenues of the whole, or any portion of it, shall be inadequate to pay the expenses incurred in its maintenance, as in the judgment of this committee no funds of the Trust ought to be applied to that object, except those which accrue from the tolls and water rents of said Canal.

Resolved, That the Canal south of Terre Haute (by reason of railroad competition) having failed, since its completion, to command sufficient business to pay even a small portion of the expenses necessary to keep it in repair, and having proved a tax on the Trust Fund to the amount of nearly $150,000, for those repairs, it is deemed by this committee unwise to have the same worked at a sacrifice so ruinous to the holders of Canal certificates, as well as to the holders of certificates representing the *advance* for the completion of the Canal to Evansville, we express the wish of those we represent, in this formal manner, that the Board of Trustees proceed with the least possible delay to stop the working of the Canal south of Terre Haute, dismissing at the earliest opportunity all the officials engaged on that division, taking care to preserve the Canal from all unnecessary damage, and having in view, till that portion of the Canal shall be finally closed, the convenience of those using the same as a channel of transportation.

Resolved, That the proceeds of the Canal lands in the Vincennes Land District, after paying all needful expenditures for construction, repairs, &c., were set apart as a fund for the payment of the advance or loan of $800,000, to aid in the completion of the Canal to Evansville, and by the terms of the law, the subscribers to that advance have a right to look to that fund as specially applicable to the redemption of their certificates; that in the changed condition of the

Canal revenues, caused by the competition of new railroads, we deem it our duty to protest against the application of those proceeds to any other object or purpose, and ask of the Trustees to reserve the cash means yet to be collected from the land sales, (after paying existing obligations) to the discharge of the certificates held for the advances made by ourselves and those we represent.

Resolved, That the Trustees of the Canal be requested to ask of the Legislature of Indiana, the passage of an act or joint resolution conferring upon said Trustees the right and power to sell the land yet remaining as the property of the Trust, at such advanced price as may be agreed upon by themselves and the purchasers thereof, in order that the unsold lands may be used, as near as may be, to discharge the certificates referred to in the preceding resolution. And also asking that it may be lawful for said Trustees to receive the certificates issued for the advance of $800,000, or any portion of them, in payment of the unsold lands in the Vincennes district, in order that the said advance may be paid and discharged without delay.

Truly copied from the minutes, this 27th day of November, 1858.

(SIGNED) J. F. D. LANIER,
Chairman of Committee.

Mr. Heffren moved to lay the report on the table and print the usual number of copies for the use of the Senate.

The ayes and noes being demanded by Senators Heffren and Weir.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Carnahan, Cobb, Conley, Cooper, Culver, Fisk, Gooding, Heffren, Jones, Line, Lomax, McClure, Miller, Shoemaker, Stevens, Turner and Weir—19.

Those who voted in the negative were,

Messrs. Anthony, Blair, Bobbs, Brown, Conner, Cravens, Craven, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Kinley, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Studabaker, Tarkington, Thompson, Wallace, Williams and Wilson—30.

So the report was not laid on the table.

On motion by Mr. Wallace,

The report was referred to the committee on canals and internal improvements, and 500 copies ordered to be printed for the use of the Senate.

On motion by Mr. Wallace,
Senators Hamilton, Conner, Carnahan, McLean and Murray were added to the committee on canals and internal improvements.

Mr. Turner offered the following resolution:

Resolved, That the Doorkeeper be authorized to subscribe for and procure, to be laid on the desk of each Senator and officer of the Senate, three copies each of the Daily State Sentinel, Daily State Journal, Daily Citizen, and Weekly American, Volksblatt, and Free Press, two of each of the English and all of the German papers to enveloped and stamped; *Provided*, That each of said daily papers publish a report of the proceedings of this body.

Mr. Johnston moved to amend by striking out all except the Sentinel and Journal.

Mr. Turner moved the previous question.
Which was seconded by the Senate.

The question being, shall the main question be now put?
Which was agreed to.

The question being, shall the amendment be adopted?

The ayes and noes being demanded by Senators Johnston and Turner.

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conley, Craven, Fisk, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, McClure, March, Miller, O'Brien, Robinson, Studabaker, Tarkington, Williams and Wilson—24.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bobbs, Brown, Conner, Cooper, Cravens, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, McLean, Murray, Odell, Rice, Slack, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Weir—26.

So the amendment was not adopted.

The question being, shall the resolution be adopted?

The ayes and noes being demanded by Senators March and McClure,

Those who voted in the affirmative were,

Messrs. Beeson, Bobbs, Brown, Carnahan, Conley, Cooper, Culver, Fisk, Gooding, Green, Heffren, Hendry, Hill, Kinley, McLean, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner and Weir—27.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Cobb, Conner, Cravens, Craven, Hamilton, Hargrove, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Robinson, Shoemaker, Tarkington, Wallace, Williams and Wilson—23.

So the resolution was adopted.

Mr. Gooding offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed into the Hall of the House of Representatives at 10 o'clock, A. M., on to-morrow, to elect by joint *viva voce* vote, a State Agent, a Canal Trustee, a State Librarian, and Trustees for the Insane, Blind, Deaf and Dumb Asylums, according to law.

Mr. Tarkington moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Gooding and Tarkington.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Green, Heffren, Hendry, Hill, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Tarkington, Thompson, Turner, Wagner, Weir and Williams—32.

Those who voted in the negative were,

Messrs. Beeson, Carnahan, Gooding, Hamilton, Hargrove, Jennings, Johnston, Jones, McLean, Miller, Shoemaker, Slack, Steele, Stevens, Studabaker, Wallace and Wilson—17.

So the resolution was laid on the table.

On motion by Mr. Heffren,

Resolved, That the committee on the judiciary be intructed to in-

to and report to this Senate whether, under the provisions of the constitution, a Senator elected to fill a vacancy occasioned by resignation or otherwise, shall hold his office for the unexpired term, or for the full term of four years.

Mr. Beeson offered the following preamble and resolution:

WHEREAS, It is recognized as a fundamental principle in the economy of our government that representation and taxation are inseperable and mutually dependant upon each other; AND WHEREAS, It is also the inalienable right of the humblest citizen to petition the sovereign power for a redress of grievances, and the duty of such sovereign power to give the petitioners a respectful hearing, and, if not inconsistent with the public welfare, to grant the prayer of the petitioner; AND WHEREAS, It is understood that a large and respectable body of the women of Indiana are desirous of presenting in their own persons, and in their own behalf, a statement of their views on the above named subjects, and to represent to this General Assembly the disabilities under which they are now placed by the unequal operation of the laws of this State; therefore, be it

Resolved, By the Senate, the House concurring therein, that on the 19th day of January, at —— o'clock, the Senate shall repair to the Hall of the House, then to receive and hear the petition of women. as stated in the preamble to this resolution.

Which was agreed to.

Mr. Weir moved to reconsider the vote ordering 500 copies of the report of the Trustees of the Wabash and Erie Canal to be printed.
Which was not ageeed to.

On motion by Mr. Anthony,
The Senate adjourned.

FRIDAY MORNING, 9 o'clock,
January 14, 1859.

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following communication:

INSTITUTE FOR THE BLIND,
January 8, 1859.

HON. J. R. CRAVENS,
President of the Senate:

SIR:—I am in receipt of the following resolution, to-wit:

"*Resolved*, That the Superintendents of the Hospitals for the Insane, the Deaf and Dumb, and the Blind, be requested to report the pay in mileage and per diem of each trustee thereof, stating in separate and distinct columns the number of days each trustee has received pay for, and the mileage of each for the years 1854, 1855, 1856, 1857 and 1858," &c., and in answer thereto, I respectfully report as follows:

The information called for can only be obtained by a careful examination of the minutes of the Board. The record containing these minutes from the organization of the Institute down to a period in 1857, has been taken from the Institution by one of the attorneys on the part of the State, in the suit now pending between this Institution and Elijah Newland, and cannot at this time be found. The particular items asked for by the Senate may be found in the published annual reports, all of which are accessible to the Legislature. Not deeming it a duty incumbent on them to assume the responsibilities of the control of the Institution, without any compensation whatever, for whose support as tax payers they contributed in common with their fellow citizens, they made an order to the effect that they should severally be paid for their attendance upon the meetings of the board, the sum of two dollars per day for every day employed, and the further sum of six cents per mile, mileage, for every mile traveled to and from the meetings of the board, the mileage being one-half the rate allowed members of the General Assembly for the same service. In addition, the Secretary of the board was allowed the sum of fifty dollars per annum for his services in keeping the minutes of the board and its accounts.

The frequency of the meetings of the board is regulated by the statute, and the same seldom exceed two days in continuance.

Respectfully submitted,

J. McWORKMAN, *Sup't.*

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Culver presented the petition of a large number the resident voters of the county of Tippecanoe praying the passage of a law raising the rate of interest to ten per centum per annum.

On motion,

The petition was referred to the committee on finance.

Mr. Culver presented the petition of sundry citizens of the county of Tippecanoe asking the passage a law by the General Assembly making railroad companies liable for stock killed by them on highways and commons, where railroads cannot fence.

On motion,

The petition was referred to the committee on corporations.

Mr. Hargrove presented the petition of sundry citizens of the county of Gibson on the subject of temperance.

On motion,

The petition was referred to the committee on temperance.

Mr. Odell presented the petition of Henry M. Wright praying an allowance for pursuing and arresting John Riley, a murderer.

On motion,

The petition was referred to the committee on claims.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 10, "a bill establishing a Board of Sinking Fund Commissioners, providing for their election, and appointment of the officers thereof, and prescribing the powers and duties of said Board," with instructions, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendments:

Strike out of section 7 the provision in relation to the employment of assistants, being all the section after the word "office."

Add to section 9: "Nor shall the salary of the President exceed fifteen hundred dollars per year, nor that of the Clerk one thousand dollars per year."

The committee are of the opinion it is inexpendient to reduce the number of the board, or more fully prescribe its duties in this bill.

Mr. Slack, from the committee on the judiciary, made the following minority report:

Mr. President:

A minority of the committee on the judiciary, to whom was referred Senate bill No. —, providing for the election of a President and four Commissioners of the Sinking Fund, would respectfully report that they dissent from the views of a majority of said committee, so far as said report refers to the salary of President of said Board. The undersigned regarding the duties actually discharged by said President as merely nominal, they believe that the salary should be somewhat in accordance with the labor performed. It is true that the bill provides that the salary should be fixed by the Board, and that it shall not exceed $1,500 per annum, but they submit whether, in the history of the country, where the maximum of the salary was fixed that it did not always reach the highest amount, and hence the adoption of the majority report of the committee will fix the salary of said President necessarily at $1,500.

The minority therefore submit the following as an amendment to the —— section of said bill, and ask its adoption:

Strike out all that gives to the board the power of fixing the salary of the President, and fix the amount thereof at $500 per annum.

Mr. Murray moved to lay the minority report on the table.

The ayes and noes were demanded by Senators Slack and Carnahan.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Weir—37.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Fisk, Johnston, Line, Lomax, McClure, Slack, Wallace, Williams and Wilson—11.

So the minority report was laid on the table.

Mr. Hargrove moved to concur in the report with an amendment striking out "fifteen hundred dollars" and inserting "one thousand dollars."

Mr. Slack moved to amend the amendment by striking out "fifteen hundred" and inserting eight hundred.

Mr. Studabaker moved to lay the pending amendments on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

Those who votea in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jones, Kinley, Line, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Wagner,and Weir—34.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Conner, Hargrove, Jennings, Johnston, Lomax, McClure, Slack, Tarkington, Turner, Wallace, Williams and Wilson—14.

So the amendments were laid on the table.

Mr. Slack moved to concur in the report by striking out "fifteen hundred" and inserting "nine hundred."

Mr. Murray moved the previous question.
Which was seconded by the Senate.

The question being shall the main question be now put?
It was agreed to.

The puestion being shall the report be concurred in with the pending amendment?

The ayes and noes being demanded by Senators Slack and Johnston.

Those who voted in the affirmative were,

Messrs. Carnahan, Conley, Hargrove, Johnston, Lomax, McClure, Robinson, Slack, Wallace, Williams and Wilson—11.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, and Weir.—38.

So the motion to concur in the report with the amendment, was not agreed to.

The question being shall the report be concurred in?

The ayes and noes being demanded by Senators Carnahan and Slack.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Jones, Kinley, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner and Weir—35.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Fisk, Hargrove, Johnston, Line, Lomax, McClure, Robinson, Slack, Tarkington, Wallace, Williams and Wilson—14.

So the report was concurred in.

Mr. Studabaker moved to consider the amendments as engrossed and read the bill a third time now,

Which was agreed to; and

The bill was read a third time.

Mr. Line moved to re-commit the bill to a select committee of five with instructions to strike out "fifteen hundred" and insert "twelve hundred and fifty" as the salary of the President.

Mr. Studabaker moved to lay the motion to recommit with instructions on the table.

The ayes and noes being demanded by Senators Line and Slack.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jones, McLean, March, Murray, O'Brien, Odell, Rice, Steele, Stevens, Studabaker, Turner, Wagner and Weir—31.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Conner, Fisk, Hargrove, Johnston, Kinley, Line, Lomax, McClure, Robinson, Shoemaker, Slack, Tarkington, Thompson, Wallace, Williams and Wilson—17.

So the motion to lay on the table prevailed.

Mr. Slack moved to recommit the bill to a select committee of five with instructions to so amend as to limit the salary of the President to eleven hundred dollars per annum.

Mr. Heffren moved the previous question.
Which was seconded by the Senate.

The question being shall the main question be now put?
Which was agreed to.

The question being, shall the motion to recommit with instructions be adopted?

The ayes and noes being demanded by Senators Slack and Line.

Those who voted in the affirmative were,

Messrs. Carnahan, Conley, Conner, Hargrove, Johnston, Kinley, Lomax, McClure, Miller, Robinson, Slack, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—17.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jones, Line, McLean, March, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Wagner and Weir —31.

So the motion to recommit with instructions was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Weir—38.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Fisk, Hargrove, Johnston, Lomax, McClure, Robinson, Slack, Wallace, Williams and Wilson—12.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Anthony,
The title of the bill was amended by adding:

"And limiting the salary of the President and Secretary of the Board."

Mr. Slack moved to suspend the order of business for the purpose of considering the resolution pending at adjournment at 12 M., on Wednesday the 12th inst.

The ayes and noes being demanded by Senators Wallace and Fisk.

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—21.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Thompson, Turner, Wagner and Weir—25.

So the motion was not adopted.

Mr. Wallace offered the following resolution:

Resolved, That the Secretary be ordered to transmit forthwith to the State Printer, the Journal of the proceedings of the last Senate for printing.

Mr. Heffren demanded a call of the Senate.

The Secretary proceeded with the call,
Whereupon,
It being found that the Senators were in their seats,

The further call was dispensed with.

Mr. Murray moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Murray and Slack.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Heffren, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Cobb, Fisk, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—22.

So the resolution was laid on the table.

Mr. Wagner offered the following resolution :

Resolved, That the Senate will, the House concurring therein, proceed to the Hall of the House this day at 2 o'clock, P. M., for the purpose of electing three Directors of State Prison, Librarian, Trustee of the Wabash and Erie Canal, State Printer and Agent of State, in the order as above stated.

Mr. Studabaker moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Studabaker and Heffren.

Those who voted in the affirmative were,

Messrs. Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heff-

ren, Johnston, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington, Williams and Wilson—19.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jennings, Jones, Kinley, Line, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Weir—30.

So the resolution was not laid on the table.

Mr. Murray moved the previous question.
Which was seconded by the Senate.

The question being, shall the main question be now put?

The ayes and noes being demanded by Senators Wallace and Studabaker,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—24.

So the main question was ordered to be put.

The question being, shall the resolution be adopted?

The ayes and noes being demanded by Senators Heffren and Studabaker,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

Those who voted in the negaeive were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—25.

So the resolution was not adopted.

On motion by Mr. Conley,

Resolved, That the committee on the organization of courts be requested to inquire into the expediency of abolishing the courts of Common Pleas, and establishing a Surrogate system for the settlement of the estates of decedents, and that said committee be requested to report a bill to that effect as soon as is convenient for them to do so.

On motion by Mr. Hamilton,

Resolved, That the committee on finance inquire into the expediency of prohibiting the Treasurer of State from loaning the money of the State and receiving interest on deposits. That all other officers of State holding public moneys or trust funds in their hands, except as provided by law. That they also inquire into the expediency of providing by law where the public funds shall be deposited.

On motion by Mr. Green,

Resolved, By the Senate, the House concurring, That a joint committee of the two Houses be appointed, two on the part of the Senate and three on the part of the House, to inquire into the alleged frauds concerning the Swamp Lands, with full power to send for witnesses and papers, to administer the necessary oaths, and do all things necessary to a full examination of the matter, and to receive from the committee on Swamp Lands the evidence taken at the last session and adopt the same as part of their examination, and report to the present session of the General Assembly.

Mr. Cooper offered the following preamble and resolution:

WHEREAS, By Section 2 of Article 9 of the Constitution of the State of Indiana it is made imperative on the part of the General Assembly to "provide Houses of Refuge for the correction of juvenile offenders, AND WHEREAS, In consequence of the crowded condition of our Penitentiary there exists an urgent necessity for the construction of some other edifice for the comfortable and safe keeping of a portion of the convicts confined; and it being the fact that about one hundred of the present number of convicts in

that institution are minors, and many of them confined for comparatively trifling offences; and believing that the interests of this State would be largely promoted, as well as the moral reformation of many of these young convicts secured, who have been hurried into crime by temporary habits of dissipation and evil associations; AND WHEREAS, It is the duty of the Legislature, while enacting laws for the punishment of crime and for the protection of the rights of our citizens, also, as philanthropists, to do all in their power to reclaim the wicked from the paths of sin, therefore,

Resolved, That the committee on benevolent institutions be instructed to inquire into the expediency of erecting a "House of Refuge," as contemplated by the Constitution, with leave to report by bill or otherwise.

On motion by Mr. Conner,
The resolution was amended by striking out "committee on benevolent institutions," and inserting "committee on State Prison."

The resolution, as amended, was adopted.

Mr. Jones offered the following resolution:

Resolved, That the Senate will, the House concurring therein, proceed to the Hall of the House this day at 2½ o'clock P. M., for the purpose of electing three Directors of the State Prison, Librarian, Trustee of the Wabash and Erie Canal, State Printer, and Agent of State, in the order above stated.

Mr. Tarkington moved to amend by striking out "2½ o'clock today," and inserting "10 o'clock to-morrow,"
Which was not agreed to.

Mr. Tarkington moved to lay the resolution on the table.

The ayes and noes being demanded by Senators Tarkington and Heffren,

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—23.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steel, Stevens, Thompson, Turner, Wagner, Wallace and Weir—27.

So the resolution was not laid on the table.

Mr. Wagner moved the previous question,
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the resolution pass?
The ayes and noes were demanded by Senators Heffren and McClure.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace and Weir—27.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington, Williams and Wilson—22.

So the resolution was adopted.

Ordered, That the Secretary inform the House thereof.

Mr. Bennett offered the following resolution:

Resolved, That the Doorkeeper be directed to contract with A. E. Drapier & Son for six hundred copies of "Brevier Legislative Reports" of the proceedings and debates of the present General Assembly, after the style of the late extra session in the Legislative Sentinel; said reports to be made up from the columns of some daily newspaper printed in the town of Indianapolis, and laid upon the desks of members as fast as they shall complete sixteen pages in double newspaper columns. *Provided,* The cost of the same shall not exceed one dollar per copy—the House adopting a similar resolution.

The ayes and noes being demanded by Senators Johnston and Bennett,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Brown, Cobb, Conley, Cravens, Fisk,

Gooding, Hamilton, Heffren, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wallace, Weir and Williams—29.

Those who voted in the negative were,

Messrs. Beeson, Blair, Bobbs, Carnahan, Conner, Cooper, Craven, Culver, Green, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Odell, Robinson, Thompson and Wilson—19.

So the resolution was adopted.

On motion by Mr. Murray,
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has concurred with the Senate in the passage of the memorial of the State of Indiana to the Senate of the United States, and concurred in the resolution thereof accompanying the same.

Also, that it has concurred in the engrossed amendments of the Senate to House bill No. 10. A bill establishing a Board of Sinking Fund Commissioners, providing for the election and appointment of the officers thereof, prescribing the powers and duties of said board, and limiting the salaries of the President and Clerk of the board.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to bring to the Senate, for the signature of the President of the Senate, enrolled bill of the House No. 10. A bill establishing a Board of Sinking Fund Commissioners, providing for the election and appointment of the officers thereof, prescribing the powers and duties of said Board, and limiting the salary of the President and Clerk of the Board.

The President signed the bill.

Mr. Weir moved to postpone the further consideration of the Governor's message, made the special order for to-day at 2 o'clock, until Monday next at 2 o'clock P. M., and that it be made the special order for that hour.

Mr. Johnston moved to amend by inserting "to-morrow" instead of "Monday next."
Which was not agreed to.

The motion to postpone was agreed to.

On motion by Mr. Conley,

Resolved, That the committee on banks be requested to inquire into the expediency of amending the banking law in this State so as to prohibit the circulation of notes of the banks of other States of a less denomination than five dollars, and that said committee be requested to report a bill to that effect, if deemed expedient.

Mr. Weir offered the following resolution:

Resolved, That the committee on agriculture be instructed to inquire into the expediency of enacting a law authorizing the county commissioners of counties to purchase and hold lands for use of county agricultural societies, and that they report by bill or otherwise.

Mr. Brown moved to amend the resolution by striking out from the resolving clause and inserting the following:

"That the committee on county and township business be requested to inquire into the expediency of allowing the board of county commissioners to purchase sufficient grounds for the holding of county fairs, and report by bill or otherwise.

On motion by Mr. Wallace,
The resolution and amendment were referred to the committee on agriculture.

Mr. Heffren moved to reconsider the vote adopting a resolution on yesterday, authorizing the Doorkeeper to contract for certain papers.

On motion by Mr. Johnston,
The further consideration of the motion was postponed until to-morrow at 10 o'clock, A. M.

On motion by Mr. Wallace,

Resolved, That a special committee of three be appointed to prepare and submit to the Senate a bill defining the duties of the commissioners and president of the sinking fund.

Mr. Miller offered the following resolution:

Resolved, That whereas, a considerable amount of business is likely to accumulate on the hands of the Senate in the nature of sending for witnesses, and serving process, that B. T. Lane serve as sergeant-at-arms for this Senate so long as the Senate may need such officer.

On motion by Mr. Carnahan,
The resolution was laid on the table.

Mr. Wilson offered the following resolution:

Resolved, That it is the opinion of this Senate that any act passed at the present Legislature, restricting and regulating the sale of spirituous and intoxicating liquors, ought to contain a pay license clause.

Mr. Hamilton moved to amend the resolution by adding:
"And that said license should be fixed at not less than fifty nor more than five hundred dollars, to be determined by the board of county commissioners to whom application for license is made."

Mr. Heffren moved to amend the amendment by adding:
"Also to prohibit all but pure liquors from being sold, and making it a misdemeanor to sell any impure, drugged or mixed liquors."

Pending which,
The following message from the House was received:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate

going into the election of officers at two-and-a-half o'clock this day, and have adopted the following resolution:

Resolved, That the Senate be invited into the Hall of the House in joint convention, for the election under the concurrent resolution of the two Houses, and that seats are provided on the right of the Speaker for the members thereof.

On motion by Mr. Wagner,

The Senate, preceded by the President, repaired to the Hall of the House of Representatives, and

The President of the Senate took the Chair.

Upon the calling of the joint convention to order, the President of the Senate announced that the first business in order would be the election of three Directors of the State Prison, two to serve for the term of four years each from the date of their election, and one to serve for two years from the date of his election.

Mr. Turpie, of the House, nominated Grafton F. Cookerly for Prison Director for the term of four years.

Mr. Edwards, of the House, nominated Callom H. Bailey for Prison Director for the term of four years.

Those who voted for Grafton F. Cookerly were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Stark, Studabaker, Tarkington and Wallace of the Senate—25.

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood of the House of Representatives—49.

Total number of votes for Grafton F. Cookerly, 74.

Those who voted for Callom H. Baily were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate—25.

Messrs. Baird, Boyd, Boxley, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mans-

field, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker of the House of Representatives—45.

Total number of votes cast for Callom H. Bailey, 70.

Mr. Clements, of the House, voted for Benjamin Franklin for Prison Director.

Mr. Miller, of the House, voted for John M. Ray for Prison Director.

Grafton F. Cookerly having received a majority of all the votes cast, was thereupon declared, by the President of the Senate, duly elected Director of the State Prison, to serve as such for the term of four years from the date of his election.

Mr. Murray, of the Senate, nominated Nathan Earlywine for Director of the State Prison for the term of four years from the date of his election.

Mr. Turpie, of the House, nominated Thomas M. Brown for Director of the State Prison for the term of four years from the date of his election.

Those who voted for Nathan Earlywine were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate—25.

Messrs. Baird, Boyd, Boxley, Brotherton, Cavens, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker of the House of Representatives—44.

Total number of votes for Nathan Earlywine, 69.

Those who voted for Thomas M. Brown were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, Mc-

Clure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate —25.

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clements, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood of the House of Representatives—49.

Total number of votes cast for Thomas M. Brown, 74.

Mr. Gregory, of the House, voted for J. Thomason for Director of the State Prison.

Mr. Miller, of the House, voted for J. D. Kelso for Director of the State Prison.

Thomas M. Brown having received a majority of the votes cast, was thereupon declared, by the President of the Senate, duly elected Director of the State Prison, to serve as such for the term of four years from the date of his election.

Mr. Turpie, of the House, nominated Samuel H. Buskirk for Director of the State Prison for the term of two years from the date of his election.

Mr. Green, of the Senate, nominated Jonathan D. Kelso for Director of the State Prison for the term of two years from the date of his election.

Those who voted for Samuel H. Buskirk were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate—25.

Messrs. Black, Blythe, Bowman, Boyd, Carr, Claypool, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wildman and Wood of the House of Representatives—**54.**

Total number of votes for Samuel H. Buskirk, 79.

Those who voted for Jonathan D. Kelso were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate—25.

Messrs. Baird, Boxley, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hamilton of Wayne, Harrison, Jefferis, Johnston, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Treadway, Whetzel, Whiteman and Mr. Speaker of the House of Representatives—42.

Total number of votes given for Jonathan D. Kelso, 67.

Samuel H. Buskirk having received a majority of all the votes cast, was thereupon declared, by the President of the Senate, duly elected Director of the State Prison, to serve as such for the term of two years from the date of his election.

The President then announced that the Joint Convention would proceed to the choice of a State Librarian by a *viva voce* vote.

Mr. Turpie, of the House, nominated James R. Bryant for State Librarian for the term of two years.

Mr. Murray, of the Senate, nominated N. R. Wilson for State Librarian for the term of two years.

Those who voted for James R. Bryant were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLain, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate—25.

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood, of the House of Representatives—49.

Total number for James R. Bryant, 74.

Those who voted for N. R. Wilson, were

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Wagner and Weir, of the Senate—25.

Messrs. Baird, Boyd, Boxley, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davidson, Duval, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker, of the House of Representatives—44.

Total number voting for N. R. Wilson, 69.

James R. Bryant having received a majority of all the votes cast was thereupon declared, by the President of the Senate, duly elected State Librarian, to serve as such for the term of two years from the date of his election.

The President then announced that the joint convention would proceed to the choice of a Trustee of the Wabash and Erie Canal.

Mr. Turpie, of the House, nominated Richard Raleigh for Trustee of the Wabash and Erie Canal.

Mr. Weir, of the Senate, nominated William G. Coffin for Trustee of the Wabasn and Erie Canal.

The law requiring that said Trustee should be chosen by ballot,
The President appointed Mr. Murray as teller, on the part of the Senate.

The Speaker of the House appointed Mr. Murray, of the House, as teller on the part of the House.

The joint convention then proceeded to ballot for a Trustee of the Wabash and Erie Canal for the term of —— years.

The result of the first ballot was as follows, to-wit:

The total number of votes cast for Richard Raleigh was 69.
The total number of votes cast for William G. Coffin was 70.
The total number of votes cast for G. C. Barton was 4.
A. Peters received one vote.
John Baker received one vote.
The whole number of votes cast was 145.
Necessary to a choice 73.

No person having received a majority of all the votes cast, the joint convention proceeded to a second ballot.

The result of the second ballot was as follows, to-wit:

The whole number of votes cast for Richard Raleigh was 72.
The total number of votes cast for William G. Coffin was 71.
John Baker received one vote.
The whold number of votes cast was 144.
Necessary to a choice 73.
No person having received a majority of all the votes cast, the joint convention then proceed to a third ballot.

The result of the third ballot was as follows, to-wit:

The total number of votes cast for Richard Raleigh was 72.
The total number of votes cast for William G. Coffin was 72.
The whole number of votes cast was 144.
Necessary to a choice 73.

No person having received a majority of all the votes, the joint convention proceeded to a fourth ballot.

Mr. Blythe moved to add to the tellers two Democrats, one from the Senate and one from the House of Representatives.
Which was agreed to; and

Mr. Sullivan, of the House, and Mr. McLean, of the Senate, were appointed.

The result of the fourth ballot was as follows:

The whole number of votes cast for Richard Raleigh was 72.
The total number of votes cast for William G. Coffin was 69.
Two votes were blank.

It being evident that one ballot had been lost, 144 members having voted, and 143 ballots having only been found,

On motion by Mr. Wagner, of the Senate,
A new ballot was ordered, which resulted as follows:

The result of the fourth ballot was as follows, to-wit:

The total number of votes cast for Richard Raleigh was 71.
The total number of votes cast for William G. Coffin was 70.
Blank, 1.
The total number of votes cast was 142.
Necessary to a choice 72.

No person having received a majority of all the votes cast, the joint convention proceeded to a sixth ballot.

The total number of votes cast for Richard Raleigh was 69.
The total number of votes cast for William G. Coffin was 69.
Blank, 1.
The total number of votes cast was 139.
Necessary to a choice 70.

No person having received a majority of all the vote cast,
On motion by Mr. Wagner,
The joint convention adjourned until 7½ o'clock, P. M.

7½ o'clock, P. M.

The joint convention met, pursuant to adjournment.
The joint convention proceeded to the seventh ballot for Trustee of the Wabash and Erie Canal.

The result of the seventh ballot was as follows, to wit:

The whole number of votes cast for Richard Raleigh was 71.
The total number of votes cast for William G. Coffin was 69.
The total number of votes cast was 140.
Necessary to a choice, 71.

Richard Raleigh having received a majority of all the votes cast, was thereupon declared, by the President of the Senate, duly elected Trustee of the Wabash and Erie Canal, to serve as such for the term of three years from the date of his election.

The President then announced that the Joint Convention would proceed to the choice of a State Printer by a *viva voce* vote:

Mr. Turpie, of the House, nominated John C. Walker for State Printer for the term of three years.

Mr. Murray, of the Senate, nominated Berry R. Sulgrove for State Printer for the term of three years.

Those who voted for John C. Walker, were

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate—25.
Messrs. Blythe, Bowman, Carr, Claypool, Clements, Collier,

Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Summers, Tebbs, Thompson, Turpie, Usrey, Waterman, Wheeler and Wood of the House of Representatives—48.

Total number of votes for John C. Walker for State Printer, 73.

Those who voted for B. R. Sulgrove, were

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate—24.

Messrs. Baird, Boyd, Boxley, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davison, Duvoll, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Sherman, Smith, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker of the House of Representatives—44.

Total number of votes cast for B. R. Sulgrove, 68.

John C. Walker having received a majority of all the votes cast, was thereupon declared, by the President of the Senate, duly elected State Printer, to serve as such for the term of three years from the date of his election.

The President then announced that the Joint Convention would proceed to the choice of an Agent of State by a *viva voce* vote.

Mr. Heffren, of the Senate, nominated Samuel H. Owens for State Agent for the term of —— years.

Mr. Murray, of the Senate, nominated John D. Defrees for State Agent for the term of —— years.

Mr. Slack, of the Senate, nominated Daniel C. Stover for State Agent for the term of —— years.

Mr. Jones, of the Senate, nominated James A. Cravens for State Agent for the term of —— years.

Those who voted for James A. Cravens, were

Messrs. Carnahan, Cobb, Conley, Gooding, Hargrove, Jones, Line, Lomax, McLain, Miller, O'Brien, Odell, Wallace and Wilson of the Senate—14.

Messrs. Clayton, Collier, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Jones, Knowlton, Lawhead, Lewis, McLain, Major, Merrifield, Nelson, Prosser, Row, Shields, Shockley Stanley, Stinson, Summers, Thompson of Madison. Usrey, Waterman, Wheeler and Wood of the House of Representatives—28.

Total number of votes cast for James A. Cravens, 42.

Those who voted for John D. Defrees, were

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens of Jefferson, Craven of Madison, Culver, Green, Hendry, Hill, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate—22.

Messrs. Baird, Boxley, Cavins, Clark, Comstock, Cotton, Edwards, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker of the House of Representatives—35.

Total number of votes given for John D. Defrees was 57.

Those who voted for Daniel C. Stover, were

Messrs. Fisk, Slack, Studabaker and Williams of the Senate—4.

Messrs. Claypool, Clements, Dobbins, Durham, Harney, Hartley, Kelly, Keefer, Kempf, Massey, Parrett, Shull, Snyder, Tebbs and Turpie of the House of Representatives—15.

Total number of votes given for Daniel C. Stover, 19.

Those who voted for Samuel H. Owens, were

Messrs. Hamilton, Heffren, Jennings Johnston, McClure, Shoemaker and Tarkington of the Senate—7.

Messrs. Bowman, Carr and Jordan of the House of Representatives—3.

Total number of votes given for Samuel H. Owens, 10.

Those who voted for William A. Peelle, were

Messrs. Kinley and March of the Senate—2.

Messrs. Colgrove, Davisson, Jefferis, Mellett, Miller and Whiteman of the House of Representatives—6.

Total number of votes given for William A. Peele—8.

Messrs. Blythe and Davis, of the House, voted for James Montgomery.
Mr. Devol, of the House,voted for Harvey Hazelrig.
Mr. Brotherton, of the House, voted for William B. Kline.
Mr. Boyd of the House, voted for A. C. Voorhees.

The total number of votes given was 141.
Necessary to a choice, 71.

No person having received a majority of all the votes cast, the Joint Convention proceeded to take the second vote for Agent of State.

Those who voted for James A. Cravens, were

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington and Wallace of the Senate—21.
Messrs. Bowman, Carr, Claypool, Clayton, Collier, Dobbins, Dougherty, Durham, Eastham, Firestone, Gifford, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Summers, Tebbs, Thompson of Madison,Turpie, Usrey, Waterman, Wheeler, and Wood of the House of Representatives—43.

Total number of votes cast for James A. Cravens was 64.

Those who voted for John D. Defrees, were

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Wier of the Senate—22.
Messrs. Boxley, Cravens, Clark, Comstock, Cotton, Davisson, Devol, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker of the House of Representatives—35.

The total number of votes cast for John D. Defrees was 57.

Those who voted for William A. Peelle, were

Messrs. Kinley and March of the Senate—2.

Messrs. Baird, Brotherton, Colgrove, Edwards, Jefferis, Meliett, Miller and Whiteman of the House of Representatives—8.

Total number of votes cast for William A. Peelle, 10.

Those who voted for Daniel C. Stover, were

Messrs. Jennings, Johnston, Slack and Williams of the Senate —4.

Messrs. Clements, Early and Harney of the House of Representatives—3.

Total number of votes cast for Daniel C. Stover was 7.

Those who voted for James Montgomery, were

Messrs. Blythe and Davis of the House of Representatives—2.

Mr. Boyd, of the House, voted for A. C. Voorhees.
The total number of votes cast was 141.
Necessary to a choice, 71.

No person having received a majority of all the votes given, the joint convention proceeded to vote a third time for Agent of State.

Those who voted for James A. Cravens, were

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Jones, Line, Lomaz, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Studabaker, Tarkington, Wallace and Wilson of the Senate—21.

Messrs. Bowman, Carr, Clayton, Claypool, Collier, Dougherty, Early, Eastham, Firestone, Gifford, Hamilton of Wayne, Hartley, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stinson, Summers, Tebbs, Thompson of Madison, Turpie, Waterman, Wheeler and Wood of the House of Representatives—38.

Total number of votes cast for James A. Cravens was 59.

Those who voted for John D. Defrees, were

Messrs. Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate—20.

Messrs. Boxley, Cavins, Clark, Comstock, Cotton, Davisson, Davis, Devol, Fordyce, Gregory, Hall of Grant, Hall of Rush, Harrison, Hunter, Johnston, Mansfield, Murray, Martin, Nebeker of

Warren, Nebeker of Vermillion, Parks, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Williams and Mr. Speaker of the House of Representatives—33.

Total number of votes given for John D. Defrees was 53.

Those who voted for William A. Peelle, were

Messrs. Hill, Kinley and March of the Senate—3.
Messrs. Baird, Brotherton, Mellett, Miller, Power and Whiteman of the House of Representatives—6.

Total number of votes cast for William A. Peelle was 9.

Those who voted for Daniel C. Stover, were

Messrs. Johnston, Slack and Williams of the Senate—3.
Messrs. Clements, Dobbins, Harney, Keefer and Kempf of the House of Representatives—5.

Total number of votes given for Daniel C. Stover was 8.

Mr. Blythe, of the House of Representatives, voted for James Montgomery.
Mr. Jones, of the House of Representatives, voted for George W. Carr.
The total number of votes given was 131.
Necessary to a choice, 66.

No person having received a majority of all the votes given, the joint convention proceeded to take the fourth vote for Agent of State.

Those who voted for James A. Cravens, were

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson of the Senate—24.
Messrs. Bowman, Carr, Claypool, Clayton, Clements, Collier, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Row, Shields, Shockley, Shull, Snyder, Stanley, Stinson, Summers, Tebbs, Thompson of Madison, Turpie, Waterman, Wheeler and Wood of the House of Representatives—44.

Total number of votes given for James A. Cravens was 68.

Those who voted for John D. Defrees, were

Messrs. Bennett, Blair, Bobbs, Brown, Cooper, Cravens, Craven, Culver, Green, Hendry, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir of the Senate--19.

Messrs. Boxley, Cavins, Clark, Comstock, Cotton, Davis, Duvol, Fordyce, Gregory, Hall of Grant, Hall of Rush, Harrison, Hunter, Johnston, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Rynerson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker of the House of Representatives—33.

Total number of votes given for John D. Defrees was 52.

Those who voted for William A. Peelle, were

Messrs. Beeson, Conner, Hill, Kinley and March of the Senate —5.

Messrs. Baird, Brotherton, Davisson, Mellett, Miller, Power and Whiteman of the House of Representatives—7.

Total number of votes given for William A. Peelle was 12.

Mr. Edwards voted for Oliver Ormsby.

The whole number of votes given was 131.
Necessary to a choice, 66.

James A. Cravens having received a majority of all the votes given, was thereupon declared duly elected Agent of State, to serve as such for the term of two years from the date of his election.

The joint convention having concluded the business for which it had been convened, the President of the Senate declared it adjourned *sine die;* and

The Senate returned to its Chamber.

On motion by Mr. Slack,
The Senate adjourned.

SATURDAY MORNING, 9 o'clock,
January 15, 1859.

The Senate met.

The reading of the journal was dispensed with.

The President laid before the Senate the following communication and the accompanying report:

INDIANA HOSPITAL FOR THE INSANE,
Indianapolis, Jan. 15, 1859.

HON. J. R. CRAVENS,
President of the Senate:

SIR:—Please lay before the Senate the reports of the Commissioners, Superintendent and Treasurer of the Indiana Hospital for the Insane for the year ending October 31st, 1858.

Which was referred to the committee on benevolent institutions.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Williams presented the following communication and the accompanying resolutions:

OFFICE OF INDIANA STATE BOARD OF AGRICULTURE,
Indianapolis, January 14, 1859.

HON. JAMES D. WILLIAMS,
State Senate:

SIR:—The accompanying resolutions, numbered from 1 to 6 inclusive, were adopted by the Indiana State Board of Agriculture at its session which commenced at Indianapolis on the 6th of January, 1859.

You will please, at some early day, to lay these resolutions before the Senate.

Very respectfully,
JOHN B. DILLON,
Secretary Indiana State Board of Agriculture.

No. 1. *Resolved*, That the Legislature be requested to so amend the law relating to the subject that a representative from any Agricultural Society comprising the territory of one or more counties be constituted a delegate to the State Board of Agriculture.

2. *Resolved*, That we recommend to the Legislature to so change the time of the meeting of the State Board of Agriculture that they meet on the first Tuesday after the first Monday in January, instead of the time fixed by the present law.

3. *Resolved*, That the Legislature be requested to pass a law giving the Agricultural Societies the power to prohibit or remove any huckstering, gambling, or other nuisance, to the distance of one mile from their fair grounds.

4. *Resolved*, That the Legislature be requested to enact a law for the better protection of sheep from dogs, by taxation or otherwise.

5. *Resolved*, That the Legislature be requested to enact a law against bulls, bucks and boars six months old and over running at large, by imposing a fine on all owners of such stock.

6. *Resolved*, That the Legislature be requested to take such steps as will insure a speedy and thorough Geological Survey of the State of Indiana.

Which were referred to the committee on agriculture.

Mr. Odell presented the petition of Henry M. Graham, praying an allowance for recapturing Edward Day, a horse thief, who escaped from the jail in Carroll county,

Which,

On motion by Mr. Odell,

Was referred to the committee on claims.

Mr. Bobbs presented the claim of Joseph Curzon for repairing the Senate Chamber, &c.,

Which,

On motion,

Was referred to the committee on finance.

On motion by Mr. Conner,

The order of business was suspended to allow the introduction of bills.

BILLS INTRODUCED.

Mr. Conner introduced

Senate Bill No. 17. A bill to provide for the partition of real estate, and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hamilton introduced

Senate Bill No. 18. A bill authorizing any corporation, under the general laws of the State, to borrow money and secure the repayment thereof by mortgage,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green introduced

Senate Bill No. 19. A bill to provide for an enumeration to be made of all the white male inhabitants over the age of twenty-one years, in the year 1860, and every six years thereafter,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wallace introduced

Senate Bill No. 20. A bill providing for and regulating the payment of the costs occasioned by the prosecution and conviction of persons charged with felonies and punished by imprisonment in the State Prison,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Heffren introduced

Senate Bill No. 21. A bill to prevent the issuing and circulation of unauthorized paper currency, and to prescribe a penalty for the issuing or the failure to redeem any such currency,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Hill introduced

Senate Bill No. 22. A bill to prevent the intermarriage of first cousins, defining the duties of clerks of Circuit Courts in issuing license, and providing punishment for violations of this act,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Studabaker introduced

Senate Bill No. 23. A bill to fix the times of holding the terms of Court of Common Pleas of the counties of Allen and Adams, and to repeal all laws in conflict therewith,

Which was read a first time and passed to a second reading on to morrow.

Mr. Turner introduced

Senate Bill No 24. A bill to incorporate "The International University,"

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate bill No. 25. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other States stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Anthony introduced

Senate bill No. 26. A bill to amend the ninth section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hargrove introduced

Senate bill No. 27. A bill to amend section 63 of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Tarkington introduced

Senate bill No. 28. A bill to provide for the safe-keeping of the public money, and of bonds and other securities entrusted to the care of certain officers herein mentioned,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown introduced

Senate bill No. 29. A bill to exempt personal and real property from forced sale on execution, establishing the amount and prescribing the duties of the officers therein mentioned,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Heffren introduced

Senate bill No. 30. A bill to provide for the transferring of the certificates of stock of the State of Indiana, providing for a registry of the same, and to prevent a fraudulent issue thereof, and providing a punishment for the violation of the provisions of this act,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate bill No. 31. A bill to suppress the publication of lotteries and defining the punishment therefor,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown introduced

Senate bill No. 32. A bill for the better protection of growing cranberries, and prohibiting the sale or purchasing the same, within the time specified therein, and prescribing the punishment for the violation thereof,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fisk introduced

Senate bill No. 33. A bill to tax dogs, and indemnify the owners of sheep kill or injured by dogs or wolves,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Steele introduced

Senate bill No. 34. A bill making certain acts therein named misdemeanors, and providing for the punishment thereof,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bennett introduced

Senate bill No. 35. A bill to amend an act entitled 'an act to simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Rice introduced

Senate bill No. 36. A bill to amend the sixth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21st, 1852, so as to exempt certain property therein named from taxation,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Culver introduced

Senate bill No. 37. A bill to amend the 4th section of an act to provide compensation to the owners of animals killed or injured by cars, locomotives or other carriages of any railroad company of this State, approved March 1, 1853,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Carnahan introduced

Senate bill No. 38. A bill to enable industrious indigent persons, who are unable to give security, to rent lands,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Lomax introduced

Senate bill No. 39. A bill to amend an act providing for the election of clerks of the circuit court, and prescribing some of their duties, approved June 7th, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Conner introduced

Senate bill No. 40. A bill to amend section 151 of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green introduced

Senate bill No. 41. A bill to separate the law books from the State Library, and constituting the same as the law library of the State of Indiana, and for the management and government of the same, and repealing conflicting laws,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Conley introduced

Senate bill No. 42. A bill to repeal an act entitled an act to establish a bank with branches,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate bill No. 43. A bill to amend the 23d section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wagner introduced

Senate bill No. 44. A bill to change the time for the election of members of Congress, and to provide for their election,

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Weir,

The order of business was suspended, and

Mr. Weir offered the following resolution:

Resolved, That the State Librarian be requested to furnish the Doorkeeper with a sufficient number of the Revised Statutes of 1852, to enable him to comply with the resolution ordering him to place the same on the desks of Senators.

Which was agreed to.

Mr. Craven introduced

Senate Bill No. 45. A bill to provide compensation to owners of

animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State,

Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Jennings,

The order of business was suspended, and

Mr. Jennings offered the following resolution:

Resolved, That when the Senate adjourns, it will stand adjourned until Monday next at 2 o'clock P. M.,

Which was agreed to.

On motion by Mr. Miller,

Resolved, That the committee on the organization of courts inquire into and report by bill or otherwise as to the propriety of so amending section 42 of an act approved May 14, 1852, touching the order of business in Courts of Common Pleas, so as to require a portion of each term to be specially set apart for Probate business.

Mr. Wallace introduced

Senate Bill No. 46. A bill to amend section 4 of "an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana,"

Which was read a first time and passed to a second reading on to-morrow.

Mr. Cobb introduced

Senate Bill No. 47. A bill to repeal an act entitled "an act for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857,

Which was read a first time and passed to a second reading on to-morrow.

Mr. March introduced

Senate Bill No. 48. A bill to repeal an act for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate Bill No. 49. A bill fixing the time of holding courts in

the fifth judicial circuit, and repealing all laws in conflict therewith,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Hargrove introduced

Senate Bill No. 50. A bill to amend the sixteenth section of an act entitled "an act concerning the partition of lands," approved May 20, 1852,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Wagner introduced

Senate Bill No. 51. A bill for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people,

Which was read a first time and passed to a second reading on tomorrow.

The President appointed Senators Wallace, Tarkington and Conner a select committee, in accordance with a resolution of Mr. Wallace, adopted on yesterday, for the purpose of drafting a bill in reference to the Sinking Fund.

Mr. Bobbs introduced

Senate Bill No. 52. A bill to provide a site and plans for the erection of a State House of Refuge, for the correction and reformation of juvenile offenders, creating a Board of Commissioners for the same, defining their duties and those of certain other officers therein named,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Carnahan introduced

Senate Bill No. 53. A bill to authorize county commissioners to award compensation to persons who may bring to justice fugitives from the same,

Which was read a first time and passed to a second reading on tomorrow.

The President laid before the Senate the following communication and accompanying report:

OFNICE OF THE BANK OF THE STATE OF INDIANA,
Indianapolis, January 11, 1859.

HON. JOHN R. CRAVENS,
President of the Senate of the State of Indiana:

DEAR SIR:—Herewith I hand you a statement of the condition of the Bank of the State of Indiana and Branches on the 20th day of November, 1858, which I will thank you to lay before the Senate.

Very respectfully,
H. McCULLOCH, *President.*

To the Hon. President of the Senate of the State of Indiana:

In compliance with the requirements of the charter, I herewith submit a statement of the condition of the Bank of the State of Indiana, on the 20th of November, 1858.

By this statement it appears that the branches had

In Notes and Bills under discount	$5,300,983 00
In Coin	1,685,894 25
In Currency	338,189 00
On Deposit in Eastern Banks	616,346 00
On Deposit in Western Banks	316,385 00

And that their liabilities to the public were as follows:

Notes in circulation	$4,371,619 00
Due to other Banks	146,750 00
Due to Depositors	986,463 00
Due to Treasurer of State	6,373 00

While this exhibit shows that the cash means of the Bank are large in proportion to its liabilities to the public, it may be proper to remark, that its greatest strength consists in the character of its discounts, which are believed to be as safe and reliable as those of any other Bank in the country. In most of the branches they are chiefly based upon the surplus produce and manufactures of the State, and experience has proved that such loans not only advance the true interests of the people, but give to the Banker the surest and most prompt returns.

Since our first report to the Legislature important changes have taken place in the financial condition of the country.

Although a large amount of capital had been invested in unprofitable, not to say disastrous, enterprises, and speculation had in some quarters taken the place of productive industry, there was nothing in the circumstances of the country generally, at the meeting of our State Board, in July, 1857, calculated to excite on the part of the most prudent and far seeing any apprehensions of the crisis that was

so soon to follow. The domestic exchanges were regular and easy; the prospect of crops was satisfactory; the foreign demand for our leading staples was encouraging; while the mines of this and other countries were rapidly adding to the supply and the circulation of the precious metals.

Anticipating, therefore, a prosperous season, our branches liberally increased their discount line and their circulation, for the purpose of occupying the field, from which, by the expiration of its charter, the State Bank was withdrawing.

These favorable indications were, however, of short duration. The unexpected failure, in August, of an institution of large capital, which had possessed for many years, to an unlimited degree, the confidence of the public, carrying down in its fall banking houses of established credit, created a panic throughout the Union, under the influence of which confidence ceased, and enterprise was paralized. A suspension of specie payments by all the Banks of the country, except those of Ohio, Indiana, Kentucky and Louisiana, soon followed. A distrust of everything but gold and silver everywhere prevailed, and the notes of specie paying banks were rapidly returned for redemption.

That our branches under such circumstances, with a liberal discount line and a full circulation, when coin commanded from eight to ten per cent. premium over well secured bank notes, were able to maintain specie payments, proved satisfactorily the excellence of the system, and the solvent condition of the business of the State. I venture to say, that no banking institution in the United States was ever subjected to so severe a trial as this Bank was exposed to, from September, 1857, to January, 1858.

While the banks of our neighboring State were to a great extent protected by the inaccessibility of the points from which the most of their notes were issued; and a spirit of forbearance was generally exercised towards the banks of another neighboring State, on account of their embarrassment resulting from the failure of their eastern depositaries, the branches of this bank, exposed to all points, met and withstood the full force of the storm. It is, perhaps, not an exaggeration to say, that during the months of September, October and November the Bank of the State of Indiana furnished more coin and exchange in the redemption of its notes and the payment of its deposits, than was ever furnished, in an equal period of time, by any other Bank, in proportion to its capital and circulation.

That it was able to do so was not only honorable to the Bank, but creditable to the State, with whose financial interests it has become so largely identified.

I am gratified to be able to state, that the branches generally are in excellent condition. Nearly all of them are under the management of men who have large interests to protect, who have much experience in banking, and an accurate knowledge of the wants and resources of the State. Our notes are in good credit throughout the West, and it will be the constant aim of those who manage, and those

who surpervise the affairs of the branches, to make good the pledge given to the people of Indiana when we commenced business—to furnish them with a currency of undoubted solvency, always convertible into coin at the pleasure of the holder.

By order of the Board of Directors,

H. McCULLOCH, *President.*

On motion by Mr. Carnahan,

The report was laid on the table and two hundred copies ordered to be printed for the use of the Senate.

Mr. Wagner introduced

Senate Bill No. 54. A bill to amend an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7, 1857,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Conner introduced

Senate Bill No. 55. A bill to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved ———, 1852,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Blair introduced

Senate Bill No. 56. A bill to amend sections one and twenty-seven of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18th, 1852,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Hill introduced

Senate Bill No. 57. A bill authorizing township trustees to establish water-courses and locate ditches in certain cases, and for the benefit of agriculture,

Which was read a first time and passed to a second reading on tomorrow.

On motion by Mr. Kinley,

The order of business was suspended, and

Mr. Kinley offered the following resolution:

Resolved, That the committee on education be instructed to report a bill providing for placing a bound copy of the "Indiana School Journal" in each of the county and township libraries of this State,

Which was agreed to.

Mr. Turner introduced

Senate Bill No. 58. A bill to amend the 14th section of an act entitled "an act for the government of the insane and the care of the insane of Indiana," approved January 15th, 1852,

Which was read a first time and passed to a second reading on to-morrow.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

House Bill No. 10. An act establishing a Board of Sinking Fund Commissioners, providing for the election and appointment of the officers thereof, prescribing the powers and duties of said Board, and limiting the salary of the President and Clerk of the Board.

On motion by Mr. Wallace,
The order of business was suspended, and
Mr. Wallace offered the following resolution:

Resolved, That the State Librarian prepare, as soon as practicable, a full and complete catalogue of the books, &c., in the library at this time; and that when said catalogue is so completed, the same be published in convenient form, and kept for distribution upon request, among those entitled by law to the privileges of the Library.

Which was agreed to.

On motion by Mr. Tarkington,
The Senate adjourned.

MONDAY, 2 o'clock, P. M., January 17, 1859.

The Senate met.

The reading of the Journal was dispensed with.

SPECIAL ORDERS.

The hour having arrived, the Senate resolved itself into committee of the whole Senate, to consider the biennial message of His Excellency, the Governor.

Mr. McLean in the chair.

After spending some time in the consideration thereof, the committee rose, and, through their chairman, made the following report:

Mr. President:

The committee of the whole Senate, to whom was referred the message of His Excellency, the Governor, have had the same under consideration, and have directed me to report the following disposition of the message, and the adoption of this report by the Senate:

1. That so much of said message as relates to banks be referred to a select committee of one from each Congressional District.

2. That so much of the message as refers to the act for the formation of companies for the detection of horse thieves, be referred to the committee of rights and privileges.

3. That so much as refers to the necessity of making provision for the preservation of the public records, be referred to a select committee of seven.

4. That all that part of the message that refers to the banking institutions of the State, be referred to the committee on banks.

5. That so much of the message as refers to making provision for a law library, be referred to the committee on the judiciary.

6. That all that part of the message relating to the affairs of the penitentiary, be referred to the committee on State Prison.

7. That all that part of the message which refers to the benevolent institutions of the State, be referred to the committee on benevolent institutions.

8. That all that part of the message which refers to the Wabash

and Erie Canal be referred to the committee on canals and internal improvements.

9. That so much as refers to the Sinking Fund of the State, be referred the committee on education.

10. That so much as refers to the collecting, and providing a safe depository for the public money, be referred to the committee on finance.

11. That so much of the message as refers to the qualification of voters, and the election of officers, be referred to the committee on elections.

12. That all that part of the message which refers to section 2, of article 4, of the Constitution of the United States, on the subject of treason, felonies, &c., be referred to the committee on federal relations.

13. That so much of said message as refers to the increase of the Governor's salary, be referred to a select committee of five.

14. That all that part of the message relating to increase in the salaries of officers, be referred to a select committee of five.

Which report was concurred in.

The President appointed Senators Carnahan, Heffren, Tarkington, Cooper, March, Bobbs, Conley, Wallace, Weir, Hamilton and Murray the special committee to consider that part of the Governor's message relating to banks, in accordance with the foregoing report. Also,

Senators Bobbs, Hamilton, Wallace, Weir, Johnston, Rice and Murray a select committee to examine that part of the message in regard to the preservation of the public records, in accordance with the foregoing report. Also,

Senators Tarkington, Hamilton, Anthony, March and Conner a select committee to consider that part of the message relating to the increase of the Governor's salary, in accordance with the foregoing report.

On motion by Mr. Anthony,
The order of business was suspended, and
The orders of the day taken up.

ORDERS OF THE DAY.

Senate Bills on Second Reading.

Senate bill No. 1. A bill to amend the 6th, 7th, 12th, 19th and 20th sections of "an act regulating the granting of divorces, nulli-

fication of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852, and providing for opening decrees in the cases therein specified, and the time when this act shall take effect,

Was read a second time.

Mr. March moved to amend sec. 10, which reads as follows:

"Sec. 10. The clerk of the court in which such petition is filed shall issue a summons for the defendant to appear and answer said petition; which summons shall be personally served on said defendant, if a resident of the State, either by reading or leaving a copy thereof at his or her usual place of residence," so as to read as follows:

SEC. 10. In suits for divorce a summons shall be issued, served and returned in the same manner as in civil actions, unless otherwise provided in this act.

Also, to add:

SEC. —. If the defendant resides in any other State than Indiana, or in any organized Territory of the United States, and the place of residence is known to the petitioner, the summons shall be served and the service proved in the manner prescribed for the personal service of summons upon non-resident defendants in civil actions.

That section 11, which reads as follows, viz:

"Sec. 11. If it shall appear by the affidavit of a disinterested person, or by the officer to whom such summons was directed, that the defendant is not a resident of this State, the clerk shall give notice of the pendency of such petition, by publication for three successive weeks in some weekly newspaper of general circulation, printed and published in such county; or, if there be no such paper, then in the one printed and published in this State nearest to the county seat of such county," be amended so as to read as follows, to-wit:

SEC. 11. If it shall appear by the affidavit of the petitioner that the residence of the defendant is altogether unknown to the petitioner, or is not within the United States, or any organized Territory thereof, notice of the pendency of the petition shall be published in the manner required for the publication of notice to non-resident defendants in civil actions.

Strike out the amended portion of section 3 and insert:

SEC. —. The cause shall stand for issue and trial at the first term of the court after the summons has been served upon a resident defendant ten days, and upon a non-resident fifty-one days, or publication has been made thirty days before the first day of such term.

That section 14, which reads as follows:

"Sec. 14. The defendant may, in addition to his or her answer, file a cross-petition for divorce, and the court shall, in such case, decree the divorce, if any, in favor of the party legally entitled to the same," be amended to read as follows:

Sec. 14. In addition to an answer the defendant may file a cross petition for divorce, and when filed the court shall decree the divorce to the party legally entitled to the same. If the original petition be dismissed after the filing of a cross petition, the defendant may proceed to the trial of the cross petition without further notice to the other party.

Add to the last section the following:
"Except as provided in the last preceding section."

On motion by Mr. Wallace,
The bill and pending amendments were referred to the committee on the judiciary.

Senate bill No. 2. A bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing,
Was read a second time; and
On motion by Mr. Wallace,
Referred to a select committee of five.

The President appointed Senators Wallace, Anthony, March, Cobb and Odell said select committee.

Senate bill No. 4. A bill to amend the 73d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State," approved June 21st, 1852,
Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 5. A bill to amend the 1st section of an act entitled "an act concerning interest on money," approved May 27, 1852,
Was read a second time.

Mr. March moved to amend the bill by adding at the end of section —, "if paid voluntarily."

Also, amend section 2, which reads as follows:

That section 4, which reads as follows: "If a greater rate of interest than is hereinbefore allowed shall be contracted for, or received or reserved, the contract shall not therefore be void; but if, in any action on such contract, proof be made that illegal interest has been directly or indirectly contracted for, or taken, or received, the defendant shall recover only the principal, without interest, and if interest shall have been paid thereon, judgment shall go for the principal, deducting interest paid," be amended so as to read:

In any action upon a contract on which a rate of interest exceeding six and not exceeding ten per cent. per annum has been contracted for, reserved or received, the plaintiff shall recover judgment for no greater amount than would have been received had six per cent. per annum in interest only been contracted for, reserved or received. If, in any action upon contract, it be made appear that a greater rate of interest than ten cents on the hundred, for one year, has been contracted for, reserved or received thereon, directly or indirectly, by including exchange or otherwise, the contract shall not therefor be void, but the defendant shall recover costs, and the plaintiff shall recover only his principal, and if any interest shall have been paid thereon, judgment shall go for the principal, deducting the interest paid.

On motion by Mr. Bennett,
The bill and pending amendment were referred to the committee on finance.

Senate bill No. 6. A bill to provide for the safe-keeping and disbursing of the public revenues of the counties and State, and fixing the salary of Treasurer of State,
Was read a second time.

On motion by Mr. Wallace,
The bill was laid the table and 200 copies ordered to printed for the use of the Senate.

Senate bill No. 7. A bill to prohibit the issue of unauthorized paper currency, and broken bank bills, and prescribing the punishment therefor,
Was read a second time, and
On motion,
Referred to the committee on banks.

Senate bill No. 9. A bill for the creation of townships, election of township trustees, duties of township trustees, mode of assessing township tax and doing township business,
Was read a second time; and
On motion,
Referred to the committee on county and township business.

Senate bill No. 10. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all laws conflicting with the provisions of this act,

Was read a second time.

Mr. Hill moved to amend the bill by adding:

SEC. —. Before any license shall be issued the person applying for the same shall produce a petition, signed by a majority of the adult male and female inhabitants of his township, praying the board of commissioners to issue such license.

On motion by Mr. Hargrove,

The amendment was laid on the table.

Mr. Hendry moved to amend the bill by adding:

SEC. —. Any husband or wife may give notice in writing to any person authorized to sell spirituous or intoxicating drinks by this act, that their husband or wife, as the case may be, is injuring their health or squandering their property, by reason of the sale of intoxicating drinks to him or her, and such person to whom such notice is given shall not sell or give away any spirituous or intoxicating drinks to such person for the space of one year from the time of such notice, unless the person by whom the notice is given shall, in writing, permit the same; any person violating the provisions of this act shall be liable to the same penalty as those who are guilty of selling without license.

On motion by Mr. Fisk,

The bill and pending amendment were referred to a select committee of one from each congressional district.

The President appointed Senators Fisk, Carnahan, Heffren, Craven, Kinley, Blair, Steele, Wallace, Weir, and Hamilton said select committee.

Mr. Line moved to instruct the committtee on county and township business, to whom was referred Senate bill No. 9, "to inquire into the expediency of striking out one trustee wherever in occurs in the bill and inserting three; also of requiring of trustee's to hold but four regular sittings per year."

Mr. Tarkington moved to further instruct the committee "to report a bill, if deemed expedient, giving the board of county commissioners jurisction of the locating, opening and repair of roads; the appointment of supervisors, when not elected; the appointment of one trustee for each township, who shall discharge the duties that

the inspectors of elections, overseers of the poor, and fence viewers did render the revised law of 1843."

Mr. Johnston moved to further instruct the committee "to hold a joint meeting with the committee on education and examine all the laws in reference to education and county and township business, and divide the same between the two committees, so that they may each report a bill upon their respective subjects, so that one may not conflict with the other."

The instructions were adopted.

On motion by Mr. March,
The order of business was suspended, and
The following message from the House taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution thereof:

Resolved, The Senate concurring, that a special committee of five be appointed, of whom three shall be of the House and two of the Senate, who shall take the necessary steps to examine and report on the accounts, vouchers and assets connected with the offices of Agent of State and the Trustees of the State Prison, prior to the transfer of such assets from the present incumbents to their successors in said offices.

Messrs. Smith of Perry, Branham and Hunter were appointed said committee on the part of the House.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Line,
The resolution was concurred in.

The President appointed Senators Bobbs and Tarkington said committee on the part of the Senate.

Senate bill No. 11. A bill to organize a Board of Commissioners of the Sinking Fund, and to define their powers and duties,
Was read a second time; and
On motion by Mr. Bobbs,
Laid on the table.

Senate bill No. 12. A bill declaring the taking of unlawful in-

terest a misdemeanor, and prescribing the punishment therefor, and repealing all laws in conflict therewith,

Was read a second time; and

On motion,

Referred to the committee on finance.

Senate Bill No. 13. A bill to amend the twentieth, twenty-eighth, thirty-second, thirty-fifth and fifty-first sections of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29th, 1852,

Was taken up.

Mr. Murray moved to suspend the rules and read the bill a second time by its title.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—38.

Mr. Studabaker voting in the negative.

So the rules were suspended, and the bill read a second time by its title; and

On motion,

Referred to the committee on swamp lands.

On motion by Mr. Bennett,

The order of business was suspended, and

Mr. Bennett offered the following resolution:

Resolved, That the Doorkeeper be instructed to divide all public documents furnished the Senate *pro rata* among the Senators.

Which was agreed to.

On motion by Mr. Wagner,

The order of business was suspended, and

Mr. Wagner introduced

Senate bill No. 59. A bill supplemental to an act entitled "an act to provide for a general system of common schools, the officers

thereof, and their respective duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855,

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Wagner,
The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
January 18, 1859. }

The Senate met.

The reading of the Journal was dispensed with.

Mr. Weir moved to suspend the order of business and to take up the orders of the day.

Which was agreed to.

ORDERS OF THE DAY.

Senate Bills on their Second Reading.

Senate Bill No. 14. A bill to amend the first section of an act entitled "an act to amend the fifth section of an act for the more uniform mode of doing township business, approved March 1, 1853, and to amend sections six, seven, eleven and twelve, of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852,

Was read a second time; and

On motion,

Referred to the committee on county and township business.

Senate bill No. 15. A bill to amend the 103d section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Slack,
The order of business was suspended, and
Mr. Slack introduced

Senate bill No. 60. A bill fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length in each county thereof,
Which was read a first time.

Mr. Slack moved to suspended the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Gooding, Hamilton, Hargrove, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Weir Williams and Wilson—35.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Senate bill No. 16. A bill to amend the 1st section of an act to amend the 1st section of an act entitled "an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, approved June 15th, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers," approved March 7th, 1857,
Was read a second time; and
On motion,
Referred to the committee on rights and privileges.

Senate Bill No. 17. A bill to provide for the partition of real estate, and for laying the same off into lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect,
Was read a second time; and
On motion,
Referred to the committee on the judiciary.

Senate Bill No. 18. A bill authorizing any corporation, under the general laws of the State of Indiana, to borrow money and secure the repayment thereof by mortgage,
Was read a second time; and
On motion,
Referred to the committee on the judiciary.

Senate Bill No. 19. A bill to provide for an enumeration to be made of all the white male inhabitants over the age of twenty-one years, in the year 1860, and every six years thereafter,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 20. A bill providing for and regulating the payment of the costs occasioned by the prosecution and conviction of persons charged with felonies and punished by imprisonment in the State Prison,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 21. A bill to prevent the issuing and circulation of unauthorized paper currency, and to prescribe a penalty for the issuing or the failure to redeem any such currency,

Was read a second time, and

On motion,

Referred to the committee on banks.

Senate Bill No. 22. A bill to prevent the intermarriage of first cousins, defining the duties of clerks of Circuit Courts in issuing license, and providing punishment for violations of this act,

Was read a second time; and

On motion,

Referred to the committee on rights and privileges.

Senate Bill No. 23. A bill to fix the times of holding the terms of Court of Common Pleas of the counties of Allen and Adams, and to repeal all laws in conflict therewith,

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate Bill No 24. A bill to incorporate "The International University,"

Was read a second time, ordered to be engrossed and read a third time to-morrow.

Senate bill No. 25. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other States stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith,

Was read a second time; and

On motion,

Referred to the committee on education.

Senate bill No. 26. A bill to amend the ninth section of an act

entitled "an act to exempt property from sale in certain cases," approved February 17, 1852,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 27. A bill to amend section 63 of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 28. A bill to provide for the safe-keeping of the public money, and of bonds and other securities entrusted to the care of certain officers herein mentioned,

Was read a second time; and

On motion,

Referred to the committee on banks.

Senate bill No. 29. A bill to exempt personal and real property from forced sale on execution, establishing the amount and prescribing the duties of the officers therein mentioned,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 30. A bill to provide for the transferring of the certificates of stock of the State of Indiana, providing for a registry of the same, and to prevent a fraudulent issue thereof, and providing a punishment for the violation of the provisions of this act,

Was read a second time; and

On motion,

Referred to the committee on finance.

Senate bill No. 31. A bill to suppress the publication of lotteries and defining the punishment therefor,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 32. A bill for the better protection of growing cranberries, and prohibiting the sale or purchasing the same, within the time specified therein, and prescribing the punishment for the violation thereof,

Was read a second time; and

On motion,

Referred to the committee on agriculture.

Senate bill No. 33. A bill to tax dogs, and indemnify the owners of sheep kill or injured by dogs or wolves,

Was read a second time; and

On motion,

Referred to the committee on agriculture.

Senate bill No. 34. A bill making certain acts therein named misdemeanors, and providing for the punishment thereof,

Was read a second time; and

On motion,

Referred to the committee on banks.

Senate bill No. 35. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 36. A bill to amend the sixth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21st, 1852, so as to exempt certain property therein named from taxation,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 37. A bill to amend the 4th section of an act to provide compensation to the owners of animals killed or injured by cars, locomotives or other carriages of any railroad company of this State, approved March 1, 1853,

Was read a second time; and

On motion,

Referred to the committee on corporations.

Senate bill No. 38. A bill to enable industrious indigent persons, who are unable to give security, to rent lands,

Was read a second time; and

On motion,

Referred to the committee on agriculture.

Senate bill No. 39. A bill to amend an act providing for the elec-

tion of clerks of the circuit court, and prescribing some of their duties, approved June 7th, 1852,

Was read a second time; and

On motion,

Referred to the committee on education.

Senate bill No. 40. A bill to amend section 151 of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 41. A bill to separate the law books from the State Library, and constituting the same as the law library of the State of Indiana, and for the management and government of the same, and repealing conflicting laws,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 42. A bill to repeal an act entitled an act to establish a bank with branches,

Was read a second time.

Mr. Conley moved to refer the bill to a select committee of five.

Mr. Murray moved to amend the motion by referring the bill to the committee on banks.

Mr. McLean moved to amend the amendment by referring the bill to the committee on the judiciary, with instructions to inquire into the power of the Legislature to constitutionally repeal the bank charter,

Pending the consideration of which,

On motion by Mr. Conner,

The order of business was suspended, and

Mr. Conner offered the following preamble and resolution:

WHEREAS, There is now a mass temperance convention in session in the House of Representatives; AND WHEREAS, There is a convention of editors and publishers of Indiana, called by the press of the State, without distinction of party, now in session at College Hall; therefore, to enable Senators to attend the same,

Resolved, That when the Senate adjourn it adjourn to meet at 9 o'clock to-morrow morning.

The ayes and noes being demanded by Senators Conley and Gooding,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Culver, Hendry, Hill, Kinley, Line, McLean, O'Brien, Rice, Stevens, Studabaker, Thompson, Turner, Wagner and Weir—22.

Those who voted in the negative were,

Messrs. Anthony, Bobbs, Carnahan, Conley, Craven, Gooding, Hargrove, Jennings, Johnston, Lomax, McClure, March, Odell, Shoemaker, Steele, Tarkington, Wallace, Williams and Wilson—19.

So the resolution was adopted.

Mr. Weir offered the following resolution:

Resolved, The Senate will, the House concurring therein, meet the House in the Hall of the House on Thursday, at 10 o'clock A. M., in Joint Convention, to elect a President and four Commissioners of the Sinking Fund, and officers of the different Asylums elected by the Legislature.

Mr. Johnston moved to amend by striking out "Thursday" and inserting "Friday."

Mr. Wagner moved to lay the resolution and pending amendment on the table.

The ayes and noes being demanded by Senators Wallace and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Hill, March, Rice, Steele, Thompson, Turner, Wagner and Williams—20.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Gooding, Hargrove, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, O'Brien, Odell, Shoemaker, Stevens, Studabaker, Tarkington, Wallace, Weir and Wilson—20.

So the motion to lay on the table did not prevail.

Mr. Gooding moved to amend the amendment by striking out all after word "Commissioners" and adding the following, "and Trustees of the Deaf and Dumb, Blind and Insane Asylums, according to law,"

Pending which,

On motion by Mr. Studabaker,

The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock,
January 19, 1859.

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Williams presented the petition of the South Western Agricultural Association on the subject of a State Geological Survey,

Which,

On motion,

Was referred to the committee on agriculture.

RESOLUTIONS.

On motion by Mr. Anthony,

Resolved, That the Auditor of State be requested to inform this body what amount of money has been appropriated out of the State Treasury to pay for work done for the State in and upon the State Prison during the time the same was leased to Samuel H. Patterson; what amount was received by the State from said lessee during said time; what the amount of the invoices of property received by the State from said lessee at the expiration of his said lease; also, (if in possession of the information,) the estimated value of the permanent improvements made upon said prison since the same has been operated under the present system.

On motion by Mr. Johnston,

Resolved, That the committee on the judiciary be instructed to inquire into the legal right of the State, under the charter of the

State Bank of Indiana, to redeem at any time after the expiration of twenty years from date the bonds of the State known as the bank bonds, and report to the Senate the result of such inquiry.

On motion by Mr. Conley,

Resolved, That the committee on the organization of courts be requested to inquire into the expediency of abolishing the present mode of selecting jurors for the Circuit and Common Pleas, and substituting some other method which will be less expensive in its operation, and that said committee be requested to report by bill or otherwise.

On motion by Mr. Johnston,

Resolved, That the committee on education be instructed to inquire into the expediency of redeeming the bonds of the State known as the bank bonds immediately, or as soon as the same can be done, so that the interest on the amount of the Sinking Fund may be appropriated to the support of common schools; and further inquire into the expediency of a division of the said Sinking Fund to the several counties of the State, in proportion to the number of children in each, as well as all other school funds the division of which is not prohibited by the laws regulating the same, and report by bill or otherwise.

On motion by Mr. March,

Resolved, That the Secretary of the Senate report the amount of stationery furnished the members and officers of the body at the last session, and where procured; and that the Secretary of State be requested to report the amount of stationery furnished by him at the last session for the use of the Senate.

Mr. Tarkington offered the following resolution:

Resolved, That the committee on the organization of courts be instructed to report a bill abolishing the Court of Common Pleas, adopting, as far as possible, the Surrogate system, by giving the clerks of the Circuit Courts jurisdiction of all probate business in vacation not litigated, and that such clerks report all their proceedings in such probate business to the Circuit Courts, as well as those cases to be litigated for final decision by said Circuit Courts.

Mr. Steele moved to amend the resolution by striking out therefrom all that relates to the abolition of the Court of Common Pleas.

Mr. Wallace moved to pass informally over the matters pending and take up the message from the House on the subject of going into

Joint Convention for the election of President and Commissioners of the Sinking Fund.

Mr. Hamilton moved the previous question,
Which was not seconded by the Senate.
Mr. Tarkington moved to lay the motion on the table.

The ayes and noes being demanded by Senators Slack and Tarkington,

Those who voted in the affirmative were,

Messrs. Beeson, Carnahan, Conley, Cooper, Culver, Hargrove, Johnston, Line, Lomax, McClure, McLean, Miller, Murray, Odell. Shoemaker, Slack, Steele, Tarkington, Thompson and Williams—20,

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Conner, Craven, Fisk, Gooding, Hamilton Hill, Jennings, Jones, Kinley, March, O'Brien, Robinson, Stevens, Studabaker, Turner, Wagner, Wallace, Weir and Wilson—24.

So the motion was not laid on the table.

Mr. Conley demanded a call of the Senate.
Objections being made,
The ayes and noes were demanded by Senators Slack and Tarkington.

Those who voted in the affirmative were,

Messrs. Beeson, Carnahan, Conley, Cooper, Fisk, Hargrove, Johnston, Kinley, Line, Lomax, McClure, McLean, Miller, Murray, Shoemaker, Slack, Steele, Tarkington, Thompson and Williams—20.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Conner, Craven, Culver, Gooding, Hamilton, Hill, Jennings, Jones, March, O'Brien, Odell, Robinson, Stevens, Studabaker, Turner, Wagner Wallace, Weir and Wilson—23.

So a call of the Senate was not ordered.

Mr. Slack moved that the Senate adjourn,
Which was not agreed to.

Mr. Weir moved the previous question,
Which was not seconded by the Senate.

Mr. Tarkington moved to postpone the further consideration of the motion till Friday next at 10 o'clock A. M.

Mr. Weir moved to lay the motion on the table.

The ayes and noes being demanded by Senators Tarkington and Slack,

Those who voted in the affirmative were,

Messrs. Beeson, Carnahan, Conley, Cooper, Culver, Fisk, Hargrove, Johnston, Lomax, McClure, McLean, Miller, Shoemaker, Slack, Steele, Tarkington and Williams—17.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Conner, Craven, Gooding, Hamilton, Hill, Jennings, Jones, Kinley, Line, March, Murray, O'Brien, Odell, Robinson, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—27.

So the motion was laid on the table.

Mr. Tarkington moved that the Senate now adjourn.

The ayes and noes being demanded by five Senators,

Those who voted in the affirmative were,

Messrs. Carnahan, Conley, Cooper, Hargrove, Lomax, McClure, Shoemaker, Slack, Steele, Tarkington, and Williams—11.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Craven, Culver, Fisk, Gooding, Hamilton, Hill, Jennings, Johnston, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—33.

So the motion to adjourn did not prevail.

Mr. Murray moved the previous question,
Which was seconded by the Senate.

The question being, shall the main question be now put?
Mr. Slack moved that the Senate now adjourn.

The President deciding the motion to adjourn to be out of order when the previous question was pending,
Mr. Slack appealed from the decision of the President.

Mr. Wallace moved to lay the appeal on the table.

The ayes and noes being demanded by Senators Slack and McLean,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Craven, Culver, Gooding, Hamilton, Hill, Jennings, Johnston, Jones, Kinley, McLean, March, Murray, O'Brien, Odell, Robinson, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—32.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Cooper, Fisk, Hargrove, Line, Lomax, McClure, Shoemaker, Slack and Williams—10.

So the appeal was laid on the table.

The question being, shall the main question be now put?

The ayes and noes being demanded by Senators Slack and Tarington,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Conner, Craven, Culver, Gooding, Hamilton, Hill, Jennings, Jones, Kinley, March, Miller, Murray, O'Brien, Odell, Robinson, Stevens, Studabaker, Turner, Wagner, Wallace, Weir and Wilson—37.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Carnahan, Conley, Cooper, Fisk, Hargrove, Johnston, Line, Lomax, McClure, McLean, Shoemaker, Slack, Steele, Tarkington, Thompson and Williams—18.

So the main question was ordered to be put.

The question being, shall the message from the House be taken up?

The ayes and noes being demanded by Senators Slack and Tarkington,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Conner, Craven, Gooding, Hamilton, Hill, Jennings, Jones, Kinley, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Stevens, Studabaker, Turner, Wagner, Wallace, Weir and Wilson—28.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Carnahan, Conley, Cooper, Culver, Fisk, Hargrove, Johnston, Line, Lomax, McClure, McLean, Shoemaker, Slack, Steele, Tarkington and Williams—18.

So the motion to take up House message prevailed, and the following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution thereof:

Resolved, Thst the House of Representatives will, the Senate concurring therein, meet the Senate in the Hall of the House of Representatives in joint convention, on this day at the hour of 10 o'clock, A. M, for the purpose of electing by a joint *viva voce* vote a President of the Board of Sinking Fund Commissioners, and four Commissioners of said Board.

In which the concurrence of the Senate is respectfully requested.

Mr. Tarkington moved that the Senate now adjourn.

The ayes and noes being demanded by five Senators,

Those who voted in the affirmative were,

Messrs. Carnahan, Conley, Cooper, Hargrove, Line, Lomax, McClure, Slack, Steele, Tarkington and Williams—11.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Craven, Culver, Fisk, Gooding, Hamilton, Hill, Jennings, Johnston, Jones, Kinley, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Stevens, Studabaker, Thompson, Turner, Wallace, Weir and Wilson—35.

So the motion to adjourn did not prevail.

Mr. Wallace moved to concur in the resolution of the House contained in the foregoing message.

Mr. Tarkington moved a call of the Senate.

The ayes and noes were demanded by Senators Slack and Tarkington,

Those who voted in the affirmative were,

Messrs. Carnahan, Conley, Cooper, Hargrove, Johnston, Lomax, McClure, Shoemaker, Slack, Steele, Tarkington and Williams—12.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Craven, Gooding, Hamilton, Hill, Jennings, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—32.

So a call of the Senate was not ordered.

Mr. Slack moved that the Senate now adjourn.

The President deciding the motion to adjourn to be out of order while the main question was pending.

Mr. Slack appealed from the decision of the President to the Senate.

Mr. March moved to lay the appeal on the table.

The ayes and noes being demanded by Senators Slack and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Craven, Fisk, Gooding, Hamilton, Hill, Jennings, Jones, Kinley, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir and Wilson—33.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Cooper, Hargrove, Johnston, Line, Lomax, McClure, Shoemaker, Slack, Steele and Williams—12.

So the appeal was laid on the table.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the resolution of the House be concurred in?

The ayes and noes were demanded by Senators Slack and Conley.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Hill, Jennings, Jones, Kinley, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—30.

Those who voted in the negative were,

Messrs. Beeson, Blair, Carnahan, Conley, Cooper, Hargrove, Johnston, Line, Lomax, McClure, McLean, Shoemaker, Slack, Steele, Tarkington and Williams—16.

So the resolution of the House was concurred in.

A message from the House by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to wit:

Resolved, That the Senate be invited to attend in the Hall of the House instanter, to proceed to the election of a President and Commissioners of the Board of Sinking Fund Commissioners, and that seats be prepared for them on the right of the Speaker's chair.

Whereupon,
The Senate, preceded by the President, repaired to the Hall of the House, where the President of the Senate took the chair.

Upon calling the Joint Convention of the two Houses of the General Assembly to order, the President announced that the first thing in the order of business was the election of a President of the Board of Sinking Fund Commissioners by a *viva voce* vote.

Whereupon,
Mr. Smith, of Perry, (of the House,) nominated Ebenezer Dumont for President of the Board of Sinking Fund Commissioners.

Mr. Slack, of the Senate, nominated Addison L. Roach for President of the Board of Sinking Fund Commissioners.

Mr. Steele, of the Senate, nominated John S. Newman for President of the Board of Sinking Fund Commissioners.

Mr. Murray, of the House, nominated E. W. H. Ellis for President of the Board of Sinking Fund Commissioners.

Mr. Harney, of the House, nominated M. D. Manson for President of the Board of Sinking Fund Commissioners.

Those who voted for Ebenezer Dumont, were,

Messrs. Anthony, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Hill, Jennings, Jones, Kinley, Line, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Stevens, Studabaker, Turner, Wagner, Wallace, Weir and Wilson of the Senate—31.

Messrs. Baird, Black, Boyd, Boxley, Branham, Brotherton, Cavins, Claypool, Clayton, Colgrove, Collier, Cotton, Davison, Dougherty, Durham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hartley, Hunter, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker of the House of Representatives—67.

Total number of votes given for Ebenezer Dumont, 98.

Those who voted for A. L. Roach, were

Messrs. Carnahan, Hargrove, Johnston, Lomax, McClure, McLean, Shoemaker, Slack, Tarkington and Williams of the Senate—10.

Messrs. Blythe, Bowman, Dobbins, Early, Eastham, Johnston, Jordan, McLain, Nelson, Sullivan and Wheeler of the House of Representatives—11.

Total number of votes cast for A. L. Roach, 21.

Those who voted for John S. Newman, were

Messrs. Beeson, Bennett, Cooper and Steele of the Senate—4.

Messrs. Austin and Treadway of the House of Representatives—2.

Total number of votes given for John S. Newman, 6.

Those who voted for E. W. H. Ellis, were

Mr. Thompson of the Senate, and
Messrs. Clark, Murray, Stanfield and Stiles of the House of Representatives.

Total number of votes given for E. W. H. Ellis, 5.

Those who voted for M. D. Manson, were

Messrs. Clements, Hancock, Harney and Newton of the House of Representatives—4.
Mr. Davis of the House, voted for James Brooks.

Total Number of votes cast, 135.

Necessary to a choice, 68.

Ebenezer Dumont having received a majority of all the votes given, was thereupon, by the President of the Senate, declared duly elected President of the Board of Sinking Fund Commissioners for the term of four years from the date of his election.

The President then announced that the next thing in order would be the election of four Commissioners of the Sinking Fund by a *viva voce* vote.

Mr. Smith, of Perry, (of the House,) nominated Permenter M. Parks for Commissioner of the Sinking Fund.

Mr. McLean, of the Senate, nominated James Farrington for Commissioner of the Sinking Fund.

Those who voted for Parmenter M. Parks, were

Messrs. Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Hamilton, Hargrove, Jennings, Jones, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Turner, Wallace, Williams and Wilson of the Senate—25.
Messrs. Austin, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Claypool, Clayton, Clements, Collier, Davidson, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Nelson, Newton, Parks, Parrett, Prosser, Row, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wood and Mr. Speaker, of the House of Representatives—57.

Total number of votes given for Parmenter M. Parks, 82.

Those who voted for James Farrington, were

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Craven, Hill, Johnston, Kinley, McLain, March, Murray Rice, Robinson, Steele, Thompson, Wagner and Weir, of the Senate—21.

Messrs. Baird, Boxley, Cavins, Clark, Colgrove, Cotton, Davis, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Jefferis, Johnston, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Stanfield, Stiles, Treadway, Whiteman and Wildman, of the House of Representatives—34.

Total number of votes given for James Farrington, 55.

Mr. Sullivan of the House, voted for A. D. Hawkins.

Total number of votes given, 138.

Necessary to a choice, 70.

Permenter M. Parks having received a majority of the votes given, was thereupon, by the President of the Senate, declared duly elected a Commissioner of the Sinking Fund.

Mr. Jones, of the Senate, nominated John F. Carr for Commissioner of the Sinking Fund.

Mr. Stiles, of the House, nominated A. B. Lynn for Commissioner of the Sinking Fund.

Mr. Clements, of the House, nominated James Campbell for Commissioner of the Sinking Fund.

Those who voted for John F. Carr, were

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Jones, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Stevens, Studabaker, Turner, Wallace and Wilson of the Senate—30.

Messrs. Black, Blythe, Boyd, Branham, Brotherton, Cavins, Claypool, Clayton, Collier, Davisson, Dougherty, Durham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Nelson, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami,

Smith of Perry, Stanley, Tebbs, Thompson, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker of the House of Representatives—63.

Total number of votes given for John F. Carr, 93.

Those who voted for Austin B. Linn, were

Messrs. Bennett, Conner, Cooper, Culver, Hill, Kinley, Steele, Thompson and Weir of the Senate—9.

Messrs. Austin, Boxley, Clark, Colgrove, Cotton, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Jefferis, Mellett, Murray, Sherman, Stanfield, Stiles, Treadway and Willman of the House of Representatives—17.

Total number of votes given for A. B. Linn, 24.

Those who voted for James Campbell, were

Messrs. Lomax, McClure, Shoemaker, Tarkington and Williams of the Senate—5.

Messrs, Bowman, Clements, Dobbins, Eastham, Hancock, Harney, Massey, Sullivan and Summers of the House of Representatives—9.

Total number of votes given for James Campbell, 14.

Mr. Johnston of the Senate, voted for Wm. H. Thornburgh.

Mr. Davis of the House, voted for T. F. Slaughter.

Total number of votes given, 135.

Necessary to a choice, 68.

John F. Carr having received a majority of all the votes given, was thereupon, by the President of the Senate, declared duly elected a Commissioner of the Sinking Fund.

Mr. Studabaker, of the Senate, nominated Beattie McClelland for Commissioner of the Sinking Fund.

Mr. Johnston, of the Senate, nominated William H. Thornburg for Commissioner of the Sinking Fund.

Mr. Ritter, of the House, nominated John Witherow for Commissioner of the Sinking Fund.

Those who voted for Beattie McClelland, were

Messrs. Anthony, Carnahan, Cobb, Cravens, Craven, Fisk, Good-

ing, Hamilton, Hargrove, Hill, Jennings, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Turner, Williams and Wilson of the Senate—30.

Messrs. Black, Blythe, Bowman, Boyd, Branham, Brotherton, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Griffin, Hall of Rush, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker of the House of Representatives—72.

Total number of votes given for Beattie McClelland, 102.

Those who voted for John Witherow, were

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Culver, Kinley, Robinson, Steele, Thompson and Weir of the Senate—13.

Messrs. Austin, Boxley, Clark, Cotton, Gregory, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Murray, Ritter, Robinson, Stanfield, Stiles, Treadway and Wildman of the House of Representatives—15.

Total number of votes given for John Witherow, 28.

Those who voted for William H. Thornburgh, were

Messrs. Conley and Johnston of the Senate—2.

Messrs. Baird, Fordyce, Johnston and Rynerson of the House of Representatives—4.

Total number of votes given for William H. Thornburgh, 6.

Total number of votes given 136.

Necessary to a choice 69.

Beattie McClelland having received a majority of all the votes given, was thereupon, by the President of the Senate, declared duly elected a Commissioner of the Sinking Fund.

Mr. Smith, of Perry, (of the House,) nominated Joseph V. Bemasdaffer for Commissioner of the Sinking Fund.

Mr. Robinson, of the Senate, nominated Abel C. Pepper for Commissioner of the Sinking Fund.

Mr. Row, of the House, nominated Milton Osborn for Commissioner of the Sinking Fund.

Those who voted for Joseph V. Bemusdaffer, were

Messrs. Bobbs, Brown, Carnahan, Conley, Conner, Fisk, Hargrove, Hill, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Williams and Wilson of the Senate—24.

Messrs. Black, Blythe, Bowman, Boyd, Branham, Brotherton, Claypool, Clayton, Clements, Collier, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Fordyce, Gifford, Hall of Rush, Hamilton of Boone, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker of the House of Representatives—57.

Total number of votes cast for Joseph V. Bemusdaffer, 81.

Those who voted for Abel C. Pepper, were

Messrs. Anthony, Beeson, Blair, Cobb, Cooper, Cravens, Craven, Gooding, Jones, Kinley, March, Murray, Rice, Robinson, Steele and Turner of the Senate—16.

Messrs Austin, Baird, Boyd, Boxley, Cavins, Clark, Colgrove, Cotton, Edwards, Gregory, Griffin, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Ryerson, Scott, Whiteman and Wildman of the House of Representatives—29.

Total number of votes given for Abel C. Pepper, 45.

Messrs. Davis and Stanfield, of the House, voted for Mr. Montgomery.

Those who voted for Kline G. Shryock, were

Messrs. Bennett, Culver and Thompson of the Senate—3.

Messrs. Hall of Grant, Stiles and Treadway, of the House of Representatives—3.

Total number of votes given for Kline G. Shryock, 6.

Mr. Murray, of the House, voted blank.

Total number of votes given, 135.

Necessary to a choice, 68.

Joseph V. Bemusdaffer having received a majority of all the votes given, was thereupon, by the President of the Senate, declared duly elected a Commissioner of the Sinking Fund.

The business for which the Joint Convention was assembled having been concluded, the President declared it adjourned *sine die*, and
The Senate thereupon returned to its chamber.

On motion by Mr. Slack,
The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

The Senate resumed the consideration of the resolution of Mr. Tarkington, pending at adjournment.

Mr. Line moved to amend the amendment as follows, to wit:
Amend by instructing the committee to inquire into the expediency of abolishing said court, and if they deem it necessary that justice shall be administered freely and without purchase—completely and without denial—speedily and without delay—that said court shall be abolished; then to report a bill that will assign to the proper Court or person the duties discharged by said court.

On motion by Mr. Gooding,

The further consideration of the resolution and pending amendments was postponed until Tuesday next at 2 o'clock P. M.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution thereof,

Resolved, That the Senate be invited to attend in the Hall of the House instanter. to hear the petition of the women, pursuant to a concurrent resolution of both Houses of the General Assembly, heretofore adopted, and that seats be prepared for them on the right of the Speaker's chair.

Mr. Slack moved to accept the invitation of the House,

Which was agreed to, and

The Senate, preceded by the President, repaired to the Hall of the House, where the President of the Senate presided over the deliberations of the meeting of the two Houses of the General Assembly.

Upon taking the chair, the President announced that the two Houses had convened for the purpose of hearing the women of Indiana in person, and receiving their petitions in behalf of their rights and concerning their grievances.

The President then introduced to the meeting Mrs. Mary F. Thomas, who presented the petition of a large number of women and others, of the State, upon the subject of woman's rights, and addressed the meeting for some time in support thereof.

Upon the conclusion of the address of Mrs. Thomas, the President introduced Mrs. Mary B. Birdsall, who also addressed the meeting on the same subject.

Mr. Steele, of the Senate, offered the following resolution:

Resolved, That Mrs. Mary F. Thomas and Mrs. Mary B. Birdsall be requested to furnish copies of their interesting and able addresses, and that said addresses be spread upon the journals of the Senate and House of Representatives.

Which was agreed to by the meeting of the Houses.

The following is the address delivered by Mrs. Mary F. Thomas:

Hon. Gentlemen of the Senate and House of Representatives:

FRIENDS:—We come before you with the humble voice of petition, asking that you consider, investigate, and discuss the subject matter of our petition, which is signed by fathers and mothers, by husbands and wives, by sons and daughters, by brothers and sisters.

Whence the necessity of this petition? Why come we here, asking of the right to exercise our God-giving rights? We come to you, gentlemen, because you have legal authority—the power to redress grievances is vested in you. As mothers, as wives, as daughters, as sisters, and lastly as human beings, alike responsible with yourselves

to God for the correct use of the rights bestowed on us, we come to you, humiliating as it may be to ask these rights at the hands of others possessing no more *natural* rights than ourselves.

All we claim for woman is the removal of the interdict, accept her as a citizen. Now she is denied the right of citizenship, and all the lumbering legislation of centuries will not adjust her relations harmoniously in the world until this injustice is removed. Woman can not be protected fully until she is thus recognized. She can not reach the true dignity of her being till she is invested with the sanctities and privileges of citizenship. If the exercise of this right is necessary to the perfect development of man's mind and whole being; if he feels himself dwarfed, intellectually, by being deprived of that right, will not the same argument apply to woman? And if the *mind* makes the *man*—if it is the emanation from the Deity, by cramping this mind or refusing to let it operate in the way God designed, you frustrate the designs of that creation, that mind, and thus assume to yourselves a fearful responsibility. Remove the interdict; make your wives, mothers and sisters at full age citizens, that they may vote or *not* vote as our brothers do. We do not ask to make them vote, but give them the right of choice, which naturally belongs to every intelligent human being, and I venture the assertion that they will use it with as much discretion and judgment as many who now do.

I do not say that to carry a vote is the most desirable thing in the world, party-ridden as our country is, but every right-minded man feels himself invested with new dignity when he carries his *first* vote to the ballot box, and thus sanctions or denies public measures. So our fathers and brothers tell us, and I claim that a woman has the same natural, inalienable right, to exercise a like mode of expressing herself on questions which are of vital interest to her, inasmuch as she is held amenable to the laws of *her country;* HER country did we say? She has no country, by the right that men have a country we are as aliens in our native land. I felt my whole soul stirred within me, yesterday afternoon, in this Hall, when a gentlemen on my right said we, the sovereign people, created this Legislature, and sent them here to do our bidding. They are our servants. A married woman in point of law is a nonenity. No matter how noble minded, intelligent or intellectual she may be, she has no legal existence, she is a *nonenity.* Therefore, we can not say "we, the people," instruct you, as our representatives, to do thus and so.

Because we are not known in the politics of the country we can can only come to you as humble petitioners, asking that you give us a candid hearing, and our petition at least a respectful consideration. And this we feel assured you will do, as you have extended to us the courtesy of addressing both branches of the Legislature, assembled on this occasion. For this privilege we thank you on behalf of the women of Indiana. The petition is not signed by women alone, but a large number of the signers are *legal voters* of the State, who feel the need of the reform for which they have petitioned. We do not ask that woman may fill offices in the Cabinet, or represent the army

and navy; these would be revolting to her sense of propriety and refinement. We do not urge them to command ships, (though the case of Mrs. Patton Jones, proves that even here woman is equal to the emergency,) and we find that in all the emergencies of life, woman is true to herself and equal to the duties she is called on to perform. We do not ask them to build railroads, or any kindred occupation; to harangue in public places; these are matters to be left entirely to human capabilities, trusting that when both sexes shall have reached a higher state of culture and development, these will all regulate themselves. When woman shall be free to establish her own relations on the stage of action, we fondly hope, and have reason to believe that a nobler sense of fitness, a higher realization of the beautiful, and appropriateness in all things will be the result. We are willing to leave all these matters to the dictates of an intelligent and enlightened future. But we do ask that no legal disabilities shall be attached to us as women, any more than our brothers, in regard to political rights. If we aspire to them and prove ourselves incompetent the world will readily learn the fact, just as it learns, eventually, to detect any incompetency in the other sex.

But in all honesty and candor, we fully believe that the time has come for the women of Indiana to assert their rights as human beings, as the emanation from the same great author of existence from which man emanated, and in pursuance of this conviction, we ask our brothers in the Senate and House of Representatives to solemnly consider the responsibility that rests on you in this matter. Whether you came by it rightfully, justly or not, society accords to you the right to make laws to govern women, and although we can not, as the sovereign people, instruct you with regard to duty, it is our duty to our God, to ourselves and to posterity, to petition you to use the legal power vested in you to remove the political disabilities which crowd our pathway at every step, and retard our progress, in fulfilling those high and holy duties which pertain to us in virtue of our humanity. Children, who a few years ago began to hear these doctrines discussed, have grown to be men and women; society has progressed; public opinion, now sanctions in women, the performance of duties which it would not tolerate a few years ago. I do not believe the Legislature of Indiana would then have granted us the respectful attention it now does, in this Hall, dedicated as it is to learning, talent and wisdom, nor would a member of this House, in discussing a great moral question, include women as co-workers with man, as did the Hon. Mr. Gordon yesterday afternoon, on this floor, in discussing the temperance movement. Men are not now shocked at a woman speaking in public, or turn with horror at the idea of woman attending college to store her mind with its richest treasures. They are constrained to admit that in many instances women can transcend all obstacles in the achievement of deeds of noble daring. A Mrs. Patton can sail a ship; Mrs. Mitchel discover stars and planets; Mrs. Peabody and Mrs. Willard write school books; Mrs. Stowe can produce a sensation throughout the literary world by her

"Uncle Tom;" Miss Hosmer chisel statues; Rosa Bonner and Lily Martain paint pictures; Lucy Stone, Frances D. Gage, and other women can lecture; Lucretia Mott, and Atoinette L. Blackwell and Mrs. Jenkins can preach the gospel in American pulpits; women can edit newspapers with ability; while scores of ladies make fortunes as merchants, and last, though not least, your humble petitioner with hundreds of other lady physicians in our country, can follow the calling of the medical profession with the approval of the refined and intelligent among men and women.

Thousands of women in public positions are practically living down the old stereotyped insult to women, that restriction alone can keep her virtuous; and tens of thousands of women teachers are educating the children under their charge in the new and progressive feeling, that woman is capable of governing herself, and help to govern others. The terrible monetary crisis of the past year, has called into action the latent energies of thousands of women in this country, to take position in society as laborers, for their own sustenance, and the support of their children, who had heretofore been dependent on the labor of others for their mental and physical food; and, consequently, in this respect, it has been a blessing to women, by calling to the sphere of usefulness many who shrank, in former times, from assuming any responsibility. And they who once denounced us as fanatics, have, through absolute necessity and trial, learned to feel and to acknowledge that woman has not all the rights she needs. Taxation, without representation; the exclusion from the ballot box of meritorious women; the law which deprives her of her right to property, and the guardianship of her own children, in case of the death of her husband, and authorizes court officials to deal out to her a part of that which should be her undivided possession; even to desolate her home, every article of which is rendered sacred by the memory of him who shared it with her, and while her heart is yet bleeding at every pore, with the sore affliction which none but a widowed heart can feel; her affections turned back in their channel; the agonies of soul no tongue can portray; and yet, in addition to all this, the law, with its ruthless hand, undertakes to "settle her business for her," when she had no voice in making that law.

These, and a host of other wrongs growing out of the deprivation of the political rights which every man in the State of Indiana feels are essential to his development as a true human being—these, we ask you, in the most respectful but earnest manner, to consider and remove by your votes in this hall—these legal disabilities which you alone have the power to remove. This political oppression is crushing woman, and we feel to repeat that the time has come when the women of Indiana should calmly and dispassionately assert their right to the elective franchise, and the privileges growing out of it, as the basis of all the other rights. Man will be benefitted equally with woman. The true interests of the sexes are so intimately in-

terwoven with each other that one cannot suffer without the other suffering also.

And in this matter there need be no fear of woman neglecting her maternal duties. No, the mother's obligations are too deeply rooted in the soil of the human sympathies and affections to ever be injured by the acquisition of knowledge or the exercise of political rights. The maternal office has stood the test of fashionable life untarnished, and no fears need be entertained that the useful will interfere with the discharge of these duties. On the contrary, the more women become acquainted with human life and prepare to discharge its responsibilities, the more interest they will feel in carrying out all the relations of life. Samuel Adams says:

"If taxes are laid upon us in any shape, without our having a legal representation where they are laid, we are reduced from the character of free subjects to the state of "tributary slaves."

And here we rest our argument, confident of the verdict of all candid minds; for, having taken our stand upon the broad basis of woman's undeniable humanity, and claimed from thence its rights as a matter of strict justice, we have virtually forestalled all answer and all objections. If she be granted human, with human faculties and human needs, then are the rights of humanity for the protection of these faculties, and the supply of these needs, assuredly hers—and no accident of sex, no prejudged inferiority, no plea of expediency, or fear of confidence, can at all militate against the soundness of the argument, modify the injustice of withholding or the rightfulness of granting such rights. We have, moreover, fortified the main argument by adducing the evils which have arisen from the heretofore false theory and practice, and incidentally suggesting the inevitable gain and good of the right.

And now, in conclusion, permit me to say that however some of this large and attentive audience may consider me out of woman's sphere in thus addressing you, I feel it right to say that not one who has heard these thoughts expressed, but feel a living response in the inmost recesses of their souls, and we ask kindly to consider your duty in reference to the matter, and act accordingly.

Mr. Turner, of the Senate, offered the following resolution:

Resolved, That the papers of the city of Indianapolis be requested to publish the addresses of the two ladies, just delivered to this joint meeting of the two Houses of the General Assembly,

Which was agreed to.

The joint meeting of the two Houses having concluded the business for which they had convened,

The Senate returned to its chamber.

On motion by Mr. Line,

Resolved, That the committee on finance be instructed to inquire into the expediency of having the laws of this Legislature published in one newspaper in each county in the State (if there be one), and report by bill or otherwise.

Mr. Johnston offered the following resolution:

Resolved, That the committee on temperance be instructed to report a bill to this Senate upon the subject of retailing intoxicating liquors, embracing the following provisions, to wit:

1st. Declaring it to be unlawful to sell or give away any adulterated liquors.

2d. Prohibiting the sale of liquor to intoxicated and insane persons.

3d. Prohibiting the sale to minors, without the consent of the parent or guardian.

4th. Declaring it to be unlawful for any person to keep a disorderly house, wherein liquors are sold, to the annoyance of citizens of the neighborhood.

5th. Affixing such punishment as may be adequate to a violation of the provisions of the bill; and

6th. Requiring no payment for license.

Mr. Gooding moved to amend the resolution by striking out all that relates to license.

Mr. Tarkington moved to amend the amendment by adding, "that the committee on temperance be instructed to report a bill making it the duty of the Common Pleas and Circuit Courts to declare all places where spirituous liquors are sold in less quantity than a gallon a nuisance, and that it be made the duty of the prosecuting attorneys to prosecute in every instance, under a penalty of $100 for every failure."

Mr. Tarkington moved to lay the resolution and pending amendments on the table.

The ayes and noes being demanded by Senators Johnston and Gooding,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Culver, Hamilton, Hargrove, Hill, Jennings, Jones, Kinley, Line, Lomax, McLean, March, O'Brien, Rice, Robinson, Slack, Steele, Studabaker and Weir—28.

Those who voted in the negative were,

Messrs. Bennett, Conley, Gooding, Johnston, McClure, Stevens, Tarkington, Thompson, Turner, Williams and Wilson—11.

So the resolution and pending amendments were laid on the table.

JOINT RESOLUTIONS INTRODUCED.

Mr. Bobbs introduced

Senate Joint Resolution No. 4. A joint resolution to provide for the recovery of money paid out of the Township Library Fund.

Mr. Slack moved to amend the preamble of the joint resolution. so as to make it general in its application; and also amend by making it applicable to Hiram E. Talbot, late Auditor of State, and all other defaulters.

Mr. Bobbs moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Tarkington,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Hill, Kinley, Line, March, Odell, Rice, Steele, Stevens, Thompson and Wagner—18.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Lomax, McClure, McLean, Miller, O'Brien. Robinson, Shoemaker, Slack, Studabaker, Williams and Wilson—20.

So the amendment was not laid on the table.

The question being, shall the amendment be adopted?

The ayes and noes were demanded by Senators Slack and Williams.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Williams and Wilson —28.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Brown, Conner, Cooper, Hill, Stevens and Wagner—8.

So the amendment was adopted.

On motion by Mr. Bobbs,
The joint resolution was referred to the committee on the judiciary.

Mr. Studabaker moved to instruct the committee to report a bill amending the present law, so as to require the Attorney General to commence suits in all cases of defalcation or liability to the State, of officers, on their bonds.

Mr. Bobbs moved to amend the amendment so as to include all parties in default to the State otherwise than on their official bonds,
Which was agreed to.

The amendment, as amended, was adopted.

Mr. Fisk introduced

Senate Joint Resolution No. 5. A joint resolution for the purpose of taking the sense of the Legislature upon the subject of the distribution of such school funds as may arise by the acts of the Legislature or otherwise.

On motion by Mr. Studabaker,
The joint resolution was referred to the committee on education.

Mr. Line introduced

Senate Joint Resolution No. 6. A joint resolution instructing our Senators and requesting our Representatives in Congress to vote for a law fixing the time, place and manner of electing United States Senators in each State.

On motion by Mr. Line,

The further consideration of the joint resolution was postponed till Monday next, at 2 o'clock P. M., and made the special order for that hour.

On motion by Mr. Gooding,
The Senate adjourned.

THURSDAY MORNING, 9 o'clock,
January 20, 1859.

The Senate met.

The Journal of yesterday was read.

Mr. Johnston moved to strike from the Journal of yesterday the resolution adopted by the joint meeting in reference to the publication of the addresses of Mrs. Thomas and Mrs. Birdsal.

Mr. Beeson moved to lay the motion on the table.

The ayes and noes being demanded by Senators Johnston and Bennett,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Culver, Heffren, Hill, Jones, Kinley, Line, Lomax, McClure, March, O'Brien, Rice, Steele, Stevens, Thompson, Turner, Wagner and Weir—26.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Miller, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—15.

So the motion was laid on the table.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Studabaker presented the petition of a portion of the citizens of the counnty of Wells on the subject of the improvement of stock,

Which,

On motion,

Was referred to the committee on agriculture.

Mr. Jennings presented the petition of numerous citizens of the county of Johnson on the subject of temperance,

Which,

On motion,

Was referred to the committee on temperance.

On motion by Mr. Weir,

Resolved, That the Attorney General be requested to inform the Senate the reason why the suit in the Floyd Circuit Court in favor of the State *v.* Newland was dismissed, and why the same was not attended to by him.

On motion by Mr. March,

Resolved, That the Attorney General be requested to report to the Senate the number and name of the cases in which he has been employed, or in which he has given a written opinion in the discharge of his official duties, during the last and present term of his office.

On motion by Mr. Stevens,

Resolved, That the committee on temperance be requested to inquire into the expediency of incorporating, into any bill they may report, a provision that all liquors sold by any person under the provision of such bill shall not be drank in or about the house where sold.

On motion by Mr. Thompson,

Resolved, That the committee on county and township business be directed to inquire into the expediency of requiring constables to file their official bonds with the treasurer of the township in which they are elected, respectively.

Mr. Odell offered the following preamble and resolution:

WHEREAS, There are a number plank, turnpike, gravel and McAdamized roads in this State, that have been suffered to get and remain out of repair for an unreasonable length of time: AND WHEREAS, there are many such roads that have been partially abandoned; therefore, be it

Resolved, That the judiciary committee be requested to inquire into the expediency of introducing a bill to provide the mode and manner by which the rights of the owners of such roads may be declared forfeited, and that the report by bill or otherwise.

Which was agreed to.

On motion by Mr. Shoemaker,

Resolved, That the committee on roads be requested to inquire into

the expediency of revising the road law, and of printing and binding in pamphlet form ten thousand copies thereof, for the use of supervisors, and report by bill or otherwise.

Mr. Weir offered the following resolution:

Resolved, That it is the opinion of the Senate that the law should be so amended as to compel the Bank of the State of Indiana to pay corporation taxes.

Mr. Tarkington moved to refer the resolution to the committee on banks.

Mr. Weir moved to lay the motion on the table.

The ayes and noes being demanded by Senators Weir and Odell.

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Hendry, Hill, Kinley, Lomax, McClure, March, O'Brien, Odell, Shoemaker, Slack, Studabaker, Turner, Weir and Wilson—20.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Culver, Hamilton, Heffren, Johnston, Jones, Line, McLean, Miller, Rice, Steele, Stevens, Tarkington, Thompson, Wagner and Williams—23.

So the motion was not laid on the table.

Mr. Studabaker moved to amend the motion to refer so as to refer the resolution to the committee on the judiciary.

On motion by Mr. Studabaker,
The resolution and pending motion were laid on the table.

On motion by Mr. Williams,

Resolved, That, in the opinion of the Senate, the Secretaries and Doorkeepers should be required to report the number and names of their assistants, as required by a former resolution adopted by the Senate.

Mr. Anthony offered the following resolution:

Resolved, That rule 53 of the Senate be so changed as to read as follows, to-wit:

RULE 53. The daily order of transacting business shall be as fol-

lows, to-wit: 1st. Reading and correcting the Journal of the preceding day. 2d. Introducing of petitions, memorials and remonstrances. 3d. Reports from standing committees. 5th. Bills. 6th. Orders of the day. 7th. Resolutions of the Senate. 8th. Joint resolutions.

Which, under the rules of the Senate, was laid over one day.

On motion by Mr. Miller,

Resolved, That the committee on swamp lands be requested to inquire into and report upon the expediency of transfering to the care and control of the Auditor and Treasurer of State, now performed in the several counties, for the purpose of the speedy settlement and winding up of the same, and authorizing the purchase of swamp lands at the offices of the Auditor and Treasurer of State.

Leave being granted,

Mr. Rice, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a resolution of the Senate in relation to the allowance of claims in the specific appropriation bill, &c., have had the same under consideration, and have directed me to report the following resolution and ask its adoption by the Senate, viz:

Resolved, That the officers of the Senate report to the finance committee all purchases and items of account made by them, at least once a week; also, the number and names of all appointees, and for what service appointed, and that all claims whatsoever, held by any person, be presented to said committee at least ten days before the adjournment of the Legislature, except such as may accrue within the last ten days of the session, and that no account presented by an employee shall be allowed unless the person employing him certify the number of days the claimant served, the kind of service he did, and that he was necessarily employed.

Which report was concurred in.

On motion by Mr. McLean,

Resolved, That the committee on the organization of courts be requested to inquire into the expediency of the entire abolition of the regular panel of jurymen for the court of common pleas, and that if the same be expedient, they be instructed to report a bill to that effect at their earliest opportunity.

Mr. Line offered the following preamble and resolution:

WHEREAS, The Superintendent of the Institution of the Deaf and Dumb gave a public exhibition of the progress of the pupils in said institution for the accommodation of the members of the General Assembly; AND WHEREAS, Many of the members of the General Assembly attended said exhibition, where they witnessed, with a degree of State pride, the progress of the pupils in intellectual improvement; therefore,

Resolved, That we do, with full confidence, recommend to the taxpayers of the State of Indiana the capability of the institution for accomplishing the highest anticipations of the public in the education of the unfortunate mutes of the States, and that we confidently recommend to all parents in the State who may have mute children the propriety, and suggest to them the duty of placing their children in said institution, for the purpose of obtaining such intellectual training as shall qualify them for usefulness in after life,

Which was adopted.

BILLS INTRODUCED.

Mr. Hill introduced

Senate Bill No. 61. A bill to amend the third section of an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal an act entitled 'an act to provide for the government and discipline of the State Prison,' approved March 3d, 1855, and all other laws or parts of laws inconsistent therewith," approved February 5th, 1857,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Tarkington introduced

Senate Bill No. 62. A bill for the relief of the Indiana University, and to increase and extend its benefits, by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto,"

Which was read a first time and passed to a second reading on tomorrow.

Mr. Wilson introduced

Senate Bill No. 63. A bill to amend the fifth section of an act entitled "an act to provide for equalizing the appraisement of the real property of the State of Indiana," approved May 28, 1852,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Jones introduced

Senate Bill No. 63. A bill to render public officers competent to testify as witnesses in actions brought on their relation, in the name of the State,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Weir introduced

Senate Bill No. 65. A bill defining the crime of embezzlement, and providing for the punishment of offences committed under this act,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bennett introduced

Senate Bill No. 66. A bill to authorize the Auditor of State to declare and pay final dividends on the circulating notes of banking associations organized under an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Turner introduced

Senate Bill No. 67. A bill requiring the Superintendents of the several Asylums to report the number of patients who are the offspring of parents married within the degrees of consanguinity,

Which was read a first time and passed to a second reading on to-morrow.

Mr. McLean introduced

Senate Bill No. 68. A bill to amend the ninth section of an act entitled "an act providing for the election of clerks of the Circuit Court, and prescribing some of their duties," approved March 7th, 1852,

Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Odell,

The Senate adjourned.

2 o'clock P. M.

The Senate met.

Mr. Steele introduced

Senate Bill No. 69. A bill to legalize all bonds and other instruments in writing executed by any assignee of a branch of the State Bank of Indiana, and to authorize suits to be brought thereon, and to empower the debtors of any branch to secure the same to the Sinking Fund.

Mr. Heffren introduced

Senate Bill No. 70. A bill supplemental to an act concerning county prisons, approved May 27, 1852, and to authorize the establishment of work-houses and the confinement of certain persons therein at labor,"

Which was read a first time and passed to a second reading on tomorrow.

Mr. Carnahan introduced

Senate Bill No. 71. A bill to incorporate the Indiana School of Practical Sciences,"

Which was read a first time and passed to a second reading on tomorrow.

Mr. Gooding introduced

Senate Bill No. 72. A bill to repeal an act to amend "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved June 17th, 1852, which was approved March 4, 1853,

Which was read a first time and passed to a second reading on tomorrow.

Mr. O'Brien introduced

Senate Bill No. 73. A bill to provide for the collection of taxes assessed against lands and lots mortgaged to secure loans made of the Sinking Fund, Surplus Revenue Fund, Saline Fund, Congressional Township Fund, Seminary Fund, College Fund, and any other public or trust fund, to prevent loss of the securities held by said

funds, and to repeal the 8th section of chapter 6 of the Revised Statutes of 1852,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Kinley introduced

Senate Bill No. 74. A bill declaring certain places in which spirituous or intoxicating liquors are kept or sold to be nuisances, and providing for the abatement of the same,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Johnston introduced

Senate Bill No. 76. A bill to amend the 9th and 30th sections of "an act regulating the fees of officers and repealing former acts in relation thereto," approved March 2d, 1855,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Studabaker introduced

Senate Bill No. 76. "A bill for the distribution, safe keeping and investment of the Sinking Fund, as set apart and constituted by an act establishing a State Bank, approved January 28, 1834, and to provide for the purchase of bonds and the duties of certain officers in relation thereto,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. McClure introduced

Senate Bill No. 77. A bill to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof,"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate Bill No. 78. A bill to amend section 16 of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Lomax introduced

Senate bill No. 79. A bill to extend the time of payment to purchasers of the saline and school lands,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fisk introduced

Senate bill No. 80. A bill to amend section second of an act entitled "an act to authorize the Commissioners of the Sinking Fund to receive substitution of stock mortgages and other purposes," approved January 28, 1857,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hargrove introduced

Senate bill No. 81. A bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, in vol. 2d, Revised Statutes of 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Anthony introduced

Senate bill No. 82. A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate bill No. 83. A bill to provide for and secure the rights of married women in real property,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Slack introduced

Senate bill No. 84. A bill fixing the time of holding courts of common pleas in the counties of Huntington and Wells, determining the length of terms and repealing all laws inconsistent therewith,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wagner introduced

Senate bill No. 85. A bill to provide for a general system of common schools, the officers thereof, and their respective powers,

duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Carnahan introduced

Senate bill No. 86. A bill to amend the first section of an act entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5th, 1852, and to define the degrees of consanguinity and affinity prohibited in marriage,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown introduced

Senate bill No. 87. A bill to organize the militia, providing for the appointment and dividing the militia into active and sedentary classes, and prescribing the duties and penalties of certain officers thereof,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hill introduced

Senate bill No. 88. A bill to amend the third and fourth sections of an act entitled "an act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26th, 1857, and also adding a supplemental section to said act of 1857,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Culver introduced

Senate bill No. 89. A bill to amend section 1 and repeal section seven of "an act concerning interest on money," approved May 29th, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Shoemaker introduced

Senate bill No. 90. A bill to provide for the collection, safe-keeping, and disbursement of the public money, and fixing the salary of Treasurer of State,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Jones introduced

Senate bill No. 91. A bill to provide compensation to persons who may bring to justice fugitives from the same,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Shoemaker introduced

Senate bill No. 92. A bill to provide for a more uniform mode of doing township business,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hargrove introduced

Senate bill No. 93. A bill to amend section fifteen of an act entitled "an act to establish a bank with branches," passed March 3d, 1855,

Which was read a first time, and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

The Senate resumed the consideration of Senate bill No. 42, a bill to repeal an act entitled "an act to establish a bank with branches," and the motions to refer the same, and amendments to said motions, pending on Tuesday, the 18th inst.

The question being, shall the bill be referred to the committee on the judiciary, with instructions?

Mr. Tarkington moved to lay the motion to refer to the judiciary committee on the table.

Which was agreed to.

The question being, shall the bill be referred to the committee on banks.

Mr. Gooding moved to lay the motion on the table.

Which was agreed to.

The question being, shall the bill be referred to a select committee of five.

Mr. Tarkington moved to lay the motion to refer on the table.

The ayes and noes being demanded by Senators Conley and Gooding.

Those who voted in the affirmative were,

Messrs. Beeson, Brown, Conner, Cooper, Culver, Hamilton, Johnston, Murray, Odell, Steele, Stevens, Tarkington and Wagner—13.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Line, Lomax, McClure, March, O'Brien, Shoemaker, Slack, Studabaker, Thompson, Williams and Wilson—26.

So the motion to lay on the table did not prevail.

The question being, shall the bill be referred to a select committee of five.

Which was agreed to.

The President appointed Senators Conley, March, Weir, Wagner and Heffren said select committee.

SENATE BILLS ON SECOND READING.

Senate bill No. 43. A bill to amend the 23d section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852,

Was read a second time; and

On motion,

Referred to the committee on finance.

Senate bill No. 44. A bill to change the time for the election of members of Congress, and to provide for their election,

Was read a second time; and

On motion,

Referred to the committee on elections.

Senate Bill No. 45. A bill to provide compensation to owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State,

Was read a second time; and

On motion,

Referred to the committee on corporations.

Senate Bill No. 46. A bill to amend section 4 of "an act to pro-

vide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana,"

Was read a second time; and

Referred to the committee on the judiciary.

Senate Bill No. 47. A bill to repeal an act entitled "an act for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857,

Was read a second time.

Mr. Murray moved to indefinitely postpone the bill.

The ayes and noes being demanded by Senators Conley and Gooding,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Cooper, Cravens, Hamilton, Heffren, Hill, Johnston, Jones, Kinley, McLean, March, Murray, O'Brien, Odell, Steele, Stevens, Thompson and Wagner—22.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Conner, Gooding, Hargrove, Line, Lomax, McClure, Shoemaker, Studabaker, Tarkington, Turner, Williams and Wilson—15.

So the bill was indefinitely postponed.

On motion by Mr. Heffren,

The order of business was suspended, and

The following message from the House taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill therof:

House Bill No. 12. A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency,

In which the concurrence of the Senate is respectfully requested.

House Bill No. 12, contained in the foregoing message, was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Wagner,

The order of business was suspended, and
The following House message taken up.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolutions thereof:

No. 8. A joint resolution creating a joint committee, to whom shall be referred petitions, &c., on agriculture and geological surveys.

No. 9. Joint resolution on the subject of an appropriation by the Federal Government for the improvement of Michigan City harbor.

No. 10. A joint resolution on the subject of the admission of Oregon and Kansas into the Union.
In which the concurrence of the Senate is respectfully requested.

House Joint Resolution No. 8, contained in the foregoing message, was read.

Mr. Wagner move to concur in the resolution,
Which was agreed to,
And the President appointed Senators Wagner, Wallace, Steele, Murray, March, Carnahan and Line a select committee, in accordance with the resolution.

On motion by Mr. Wagner,
The Senate adjourned.

FRIDAY MORNING, 9 O'CLOCK,
January 21, 1859.

The Senate met.

The journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hill presented the petition of the Indiana yearly meeting of Friends on the subject of repealing the laws of the State which deny colored persons the right to testify as witnesses in any cause in which a white person is a party in interest.

Mr. Slack moved to lay the petition on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Carnahan, Conley, Fisk, Hargrove, Heffren, Johnston, Line, Lomax, McClure, Miller, Odell, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—18.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Hamilton, Hendry, Hill, Jennings, Jones, Kinley, McLean, March, Murray, O'Brien, Rice, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner and Weir—27.

So the petition was not laid on the table.

Mr. Hill moved to refer the petition to the committee on rights and privileges,
Which was agreed to.

Mr. Hamilton presented the petition of H. P. Ayres, of Allen county, on the subject of erecting an asylum by the State for the education of idiotic and imbecile persons,
Which,
On motion,
Was referred to the committee on benevolent institutions.

Leave being granted,
Mr. Hamilton offered the following resolution:

Resolved, That the committee on benevolent institutions inquire into the expediency of providing an asylum for the education of idiotic and imbecile youths of the State, with leave to report by bill or otherwise,
Which was adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 17, "an act to provide for the partition of real estate, and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. McLean, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 29, "an act to exempt personal and real property from forced sale on executions, establishing the amount and prescribing the duties of the officers therein mentioned," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 1, "a bill to amend the sixth, seventh, twelfth, nineteenth and twentieth sections of an act regulating the granting of divorces, nullification of marriages, and decress and orders of court incident thereto, approved May 13th, 1852, and providing for opening decrees in cases therein specified, and the time when this act shall take effect," with proposed amendments, have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendments and recommend its passage:

Amend by striking out the word "A," in line four of second page, and insert instead thereof the word "such."

Amend sec. 7 by adding:

"Except as provided in the last preceding section."

That the following section be inserted after section 3, and change the numbers of the sections to correspond.

SEC. 4. That sec. 14 which reads as follows, to-wit:

"Sec. 14. The defendant may, in addition to his or her answer,

file a cross petitition for divorce, and the court shall in such case decree the divorce, if any, in favor of the party legally entitled to the same," be amended so as to read as follows, to-wit:

"In addition to an answer, the defendant may file a cross petition for divorce, and when filed the court shall decree the divorce to the party legally entitled to the same. If the original petition be dismissed after the filing of a cross petition, the defendant may proceed to the trial of the cross petition without further notice to the other notice."

Amend the title by inserting the word "fourteenth" after the word "twelfth."

Mr. Hamilton moved to concur in the report with the following amendment:

"That no divorced party, where service has been made by publication, without actual notice, shall be permitted to marry within two years from the time when such decree of divorce was obtained."

On motion by Mr. Heffren,
The amendment was laid on the table.

Mr. Studabaker moved to concur in the report with the following amendment:

"Amend so that the question of alimony may be opened up, but not the question of the recision of the marriage contract."

On motion by Mr. Hamilton,
The amendment was laid on the table.

Mr. Murray moved to concur in the report with the following amendment:

Amend the saving clause of the seventh section by striking out the amendment of the committee, and so much of the original bill as saves pending cases, be so amended as to read:

"*Provided*, All cases for divorce pending at the time of the taking effect of this act, commenced by actual *bona fide* residents of the State, of which *bona fide* residence the court may require proof, shall not be affected by this act, otherwise than is provided in the sixth section of this act."

Mr. Weir moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Weir and Murray,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cravens, Culver, Hamilton, Hendry, Jones, March, O'Brien, Rice, Robinson, Slack, Stevens, Studabaker, Thompson, Turner, Wallace, Weir and Wilson—24.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Conley, Cooper, Craven, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Kinley, Line, Lomax, McClure, Miller, Murray, Odell, Shoemaker, Tarkington, Wagner, and Williams—22.

So the amendment was laid on the table.

The report of the committee was concurred in.

Mr. Murray moved to amend the bill as follows:

"Amend the 6th section by striking out of the second line the words, "has been heretofore or."

Which was agreed to.

Mr. Blair moved to amend the bill by striking from section seven the following:

"*Seventh.*—Any other cause for which the court shall deem it proper that a divorce should be granted."

Mr. Wallace moved to amend the amendment by striking from section seven the seventh clause, and inserting in lieu thereof:

"*Seventh.*— Any cause in fraud of marriage contract occurring prior to the marriage."

On motion by Mr. Heffren,

The pending amendments were laid on the table.

The bill was ordered to be engrossed and read a third time tomorrow.

Mr. Williams, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred a resolution of the State Board of Agriculture on the subject of changing the time of their annual meeting, also a resolution to allow district societies to send a delegate to the annual meeting of said board, have had

the same under consideration, and have directed me to report the following bill in accordance with said resolutions, and to recommend its passage.

Which report was concurred in, and

Senate Bill No. 94. A bill to amend the 6th section of an act for the encouragement of agriculture, approved February 17th, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hill, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred resolutions numbers 7, 8 and 9, on the subject of authorizing County Commissioners to purchase fair grounds, have had the same under consideration, and have directed me to report that legislation on that subject is unnecessary.

First, Because the law does, as it now exists, give to agricultural Societies the power to hold ground amply sufficient to carry out the legitimate objects of such associations.

Secondly, Because such associations are based on the principle of voluntary effort and voluntary sacrifice; and believing there is sufficient of this material in the community to carry out and carry into effect the objects and purposes of said associations, they deem it inexpedient to tax the public for said purposes.

Which report was concurred in.

Mr. Beeson, chairman of the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred a resolution of the Senate in relation to young bulls, bucks and boars running at large, have had the same under consideration, and have directed me to report that, in the opinion of the committee, no further legislation is necessary on the subject—the law at page 102, vol. 1, Revised Statutes, being deemed sufficient.

Which report was concurred in.

On motion by Mr. Carnahan,
The Senate adjourned.

2 o'clock P. M.

The Senate met.

Hon. A. A. Hammond, President of the Senate, appeared and took the chair.

REPORTS FROM SELECT COMMITTEES.

Mr. Wallace, from a select committee, made the following report:

Mr. President:

A majority of the select committee to whom was referred Senate Bill No. 2, "A bill regulating the choosing of United States Senators by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing," have had the same under consideration, and direct me to report the same back, with a recommendation that the same be passed.

Mr. Heffren moved to indefinitely postpone the bill.

The ayes and noes being demanded by Senators Heffren and Wallace,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Carnahan, Conley, Conner, Cooper, Culver, Green, Hargrove, Heffren, Kinley, Lomax, McClure, Murray, Shoemaker, Slack, Stevens, Studabaker and Tarkington —21.

Those who voted in the negative were,

Messrs. Anthony, Brown, Cobb, Cravens, Craven, Fisk, Gooding, Hamilton, Hendry, Hill, Jennings, Johnston, Jones, Line, March, Odell, Rice, Robinson, Steele, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—26.

So the bill was not indefinitely postponed.

On motion by Mr. Anthony,

The further consideration of the bill was postponed until Wednesday next at 2 o'clock P. M., and made the special order for that hour.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the following resolution:

Resolved, That the Doorkeeper be directed to contract with A. E. Drapier & Son for six hundred copies of "Brevier Legislative Reports" of the proceedings and debates of the present General Assembly, after the style of their reports in the "Legislative Sentinel" —said reports to be made up from the columns of some daily newspaper printed in the town of Indianapolis, and laid upon the desks of members as fast as they shall complete sixteen pages in double newspaper column; *Provided*, The cost of the same shall not exceed one dollar per copy—the House adopting a similar resolution.

RESOLUTIONS.

On motion by Mr. Wilson,

Resolved, That the thanks of this Senate be and they are hereby tendered Hon. John R. Cravens, for the able and impartial manner in which he has presided over this Senate during the absence of Hon. A. A. Hammond.

On motion by Mr. Hargrove,

Resolved, That the Doorkeeper be instructed to procure from the State Printer the communications from the Superintendents of the Indiana Hospital for the Insane and the Deaf and Dumb Asylum, made in reply to a resolution of the Senate at the extra session, asking for a statement of mileage and per diem paid to the Commissioners and Trustees thereof during the last five years, and that he distribute the same according to said order.

On motion by Mr. Heffren,

Resolved, That the committee on banks be directed to inquire into the expediency of so amending the present assessment law as to require banks to be assessed upon the amount of bonds deposited in the Auditor's office, and upon their circulation; also upon the entire amount of currency, gold and silver on hand on the first day of January of each year.

Mr. Weir offered the following resolution:

Resolved, That when the Senate adjourn it adjourn to meet on Monday next at 2 o'clock P. M.,

Which was not agreed to.

The resolution of Mr. Anthony, offered on yesterday, and laid over under the rules, proposing to amend Rule 53 of the Standing Rules of the Senate,

Was taken up.

The question being, shall the resolution be adopted?

It was agreed to.

On motion by Mr. Murray,

The Secretary was ordered to have one hundred copies of the Order of Business printed for the use of the Senate.

On motion by Mr. Stevens,

Resolved, That the committee on benevolent institutions be requested to inquire into the expediency of so changing the law as to limit the meetings of the Trustees of the various Asylums to one meeting every three months, unless by special call of the Superintendent of any one of the institutions that may deem a meeting necessary.

Mr. Anthony offered the following preamble and resolution:

WHEREAS, The compensation allowed by the law now in force for doing the public printing is unnecessarily high; AND WHEREAS, Under the present system frauds and impositions are practiced upon the State, by extending the necessary matter over unnecessary space, and by introducing into and connecting with such documents as are printed, useless statements and statistics, the reason of which the expense of said printing is greatly increased; therefore, be it

Resolved, That the committee on printing be instructed to report as soon as possible a bill amending the laws now in force regulating the public printing so as to reduce the prices now paid to an adequate but reasonable sum; to make such changes and additions as will bring the printing ordered to be done within the usual limits; effectually prevent the publication of useless matter in connection with public documents, and further to inquire into the expediency of so changing the said laws as to require the person or persons doing the printing to furnish the paper and other necessary material used.

Which was adopted.

On motion by Mr. Kinley,

Resolved, That the committee on education be instructed to inquire into the expediency of providing by law for the assessment of taxes for school purposes on people of color, and applying the funds arising therefrom to the education of colored persons of the State, in separate schools.

On motion by Mr. McClure,

Resolved, That the committee on education inquire into the expediency of so amending an act approved March 1st, 1855, entitled "an act to amend the twenty-first section of an act prescribing the duties of justices of the peace in State prosecutions," approved May 29th, 1852, so as not to require said justice of the peace on the first Monday in January and July in each year to make returns to the treasurer of his county of fines and fees unclaimed, when said justices have no moneys for fines and fees unclaimed, to pay over to said treasurer, and when the amount on hand will not justify the expense of making such return.

Mr. Heffren offered the following resolution:

WHEREAS, James H. Vawter, the Principal Secretary of the Senate at the extra session, has declined, in consequence of a resolution of the Senate to deliver to the State Printer or the Secretary of State the Journal of that session for the purpose of being printed, therefore,

Resolved, That said Vawter be and is hereby directed to deliver said journal to the proper officer according to law.

Which was not agreed to.

JOINT RESOLUTIONS.

Mr. Turner introduced

Senate Joint Resolution No. 7. A joint resolution instructing our Senators and requesting our Representatives in Congress to vote for a speedy admission of Kansas and Oregon into the Union as States,

Which,

On motion,

Was laid on the table.

BILLS INTRODUCED.

Mr. Gooding introduced

Senate bill No. 95. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all former laws conflicting with the provisions of this act,

Which was read a first time.

Mr. Gooding moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Jones, Kinley, Line, McClure, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner and Williams—35.

Those who voted in the negative were,

Messrs. Bobbs, Conley, Hamilton, Johnston, Lomax, Wallace and Wilson—7.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Heffren,
The bill was referred to the committee on temperance.

Mr. Heffren introduced

Senate bill No. 96. A bill to regulate and restrain the retailing of spirituous liquors, and for the suppression of the evils arising therefrom,
Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, McClure, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—42.

Senators Conley and Lomax voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Heffren,
The bill was referred to the committee on temperance.

Mr. Tarkington introduced

Senate bill No. 97. A bill to prevent the retailing of spirituous and intoxicating liquors, to provide punishment for a violation thereof, also, provide for the duties, compensation and punishment of officers in relation thereto, and to repeal all former laws on the subject of vending spirituous and intoxicating liquors,

Which was read a first time.

Mr. Gooding moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—41.

Senator Conley voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Turner,

The bill was referred to the committee on temperance.

Mr. Robinson introduced

Senate Bill No. 98. A bill to regulate and restrain the sale and disposal of spirituous or intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all former laws conflicting with the provisions of this act,

Which was read a first time.

Mr. Steele moved to suspend the rules and to read the bill a second time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Line,

Lomax, McClure, March, Miller, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—39.

Senator Conley voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Bennett,
The bill was referred to the committee on temperance.

Mr. Conley introduced

Senate Bill No. 99. A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and to repeal all laws and parts of laws in conflict with the provisions of this act,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wallace introduced

Senate Bill No. 100. A bill providing for the more uniform mode of doing township business,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Johnston introduced

Senate Bill No. 101. A bill to authorize county treasurers to assess property which may be omitted by assessors, and to legalize assessments heretofore made by treasurers,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wilson introduced

Senate Bill No. 102. A bill to amend the third section of an act entitled "an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof,"
Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Bennett,
The Senate adjourned.

SATURDAY MORNING, 9 o'clock,
January 22, 1859.

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Williams presented the petition of sundry printers of Vincennes on the subject of the public printing,

Which,

On motion,

Was referred to the committee on printing.

Mr. March presented the petition of Minus Turner, of the county of Delaware, praying an allowance for pursuing and arresting James H. Durham, a felon,

Which,

On motion,

Was referred to the committee on claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Hendry, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate Bill No. 15, "A bill to amend the 103d section of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State,'" approved June 17th, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its indefinite postponement.

On motion by Mr. Bennett,

The report was laid on the table.

Mr. March, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate Bill

No. 19, "A bill to provide for an enumeration to be made of all the white male inhabitants over the age of twenty-one years, in the year 1860, and every six years thereafter," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage;

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Heffren, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred a resolution of the Senate requesting the judiciary committee "to inquire into the expediency of introducing a bill to provide for the mode and manner by which the rights of the owners of plank, turnpike, gravel and McAdamized roads in this State may be declared forfeited, and they report by bill or otherwise," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that it lay on the table, as a bill has been introduced which covers the whole matter;

Which report was concurred in.

Mr. Slack, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate Bill No. 20, "an act providing for and regulating the payment of the costs occasioned by the prosecution and conviction of persons charged with felonies and punished by imprisonment in the State Prison," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

Mr. Conner moved to re-commit the bill, with instructions to amend:

1. So as to prevent the transfer or assignment of such costs.
2. To provide that the defendant's property shall first be resorted to for the payment of such costs.
3. To inquire into the expediency of providing by law for the payment of costs, under proper restrictions, in State cases, when the defendant is acquitted.

The President deciding the motion to re-commit with instructions to be out of order,

Mr. Wallace appealed from the decision of the chair.

On motion by Mr. March,
The appeal was laid on the table.

The question being, shall the report be concurred in?
It was agreed to.

Mr. Bennett, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate Bill No. 35, "an act to amend an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18th, 1852," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Mr. Stevens moved to concur in the report, with the following amendment:
"Amend by giving the sheriff nine months to make the money and return executions for the years 1859 and 1860, and thereafter six months."

Mr. Heffren moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Conley and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Cobb, Cravens, Gooding, Hargrove, Heffren, Johnston, Lomax, McClure, Miller, Odell, Rice, Shoemaker, Slack, Steele, Studabaker, Wagner and Wallace—21.

Those who voted in the negative were,

Messrs. Brown, Conley, Conner, Cooper, Craven, Fisk, Green, Hamilton, Hendry, Hill, Jennings, Kinley, Line, March, Robinson, Stevens, Thompson, Turner and Wilson—19.

So the amendment was laid on the table.

On motion by Mr. Studabaker,
The report and bill were laid on the table.

Mr. Anthony, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 36, "an act to amend the ninth section of an act entitled 'an act to exempt property from sale in certain cases,' approved February 17th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage;

Which report was concurred in, the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Wallace, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 46, "an act to amend section four of 'an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana,'" have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage;

Which report was concurred in, the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Wagner, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred Senate bill No. 25, "a bill to provide for the redemption or purchase of the bank bonds of Indiana, and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith," have had the same under consideration, and after amending the same by striking out the section reading as follows:

"The said fund commissioners shall as often as once a month deposit the income of the fund, taking satisfactory personal security for the same, subject to the official order of the President of the Board, and the profits therefrom shall accrue to the fund," they have instructed me to report it back and recommend its passage.

On motion by Mr. Bobbs,

The further consideration of the report and bill was postponed until Tuesday next at 10 o'clock, A., M., and made the special order for that hour.

Mr. Wagner, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred Senate bill No. 32, "a bill for the better protection of growing cranberries," have had the same under consideration, and have directed me to report it back, without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrosed and read a third time on to-morrow.

Mr. Turner, from the committee on swamp lands, made the following report:

MR. PRESIDENT:

The committee on swamp lands, to whom was referred Senate bill No. 13, "a bill to amend the 20th, 28th, 32nd, 35th and 51st sections of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant, approved May 29th, 1852," have had the same under consideration, and direct me to report the same back to the Senate and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

BILLS INTRODUCED.

Mr. Odell introduced

Senate bill No. 103. A bill to authorize county boards in certain cases to hear and determine complaints against plank, gravel, turnpike and McAdamized roads, and to declare their charters forfeited,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Miller introduced

Senate bill No. 104. A bill to prevent the taking of tolls on plank, gravel and McAdamized roads, and to prevent the removal of any material used in the construction thereof, and repealing sec. 10 of "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 21th, 1852,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Wagner introduced

Senate bill No. 105. A bill prescribing forms to be used in criminal cases,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Heffren introduced

Senate bill No. 106. A bill to provide for the relief of purchasers of real estate at sheriff's sales under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the Revised Statutes of 1852 took effect, and where such sureties being the owners of such real estate had sold and conveyed the same after becoming such recognizors, but before judgments of forfeiture thereof had been taken,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Studabaker introduced

Senate bill No. 107. A bill to authorize appraisers of real property, and their deputies, to administer all oaths and affirmations required to be administered in the discharge of their official duties,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Rice introduced

Senate bill No. 108. A bill to amend section four, five, eighteen, twenty-one and twenty-two of "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852, and repealing sections ——— and thirty of said act, and adding provisions supplemental thereto,

Which was read a first time and passed to a second reading on to-morrow.

The order of business was suspended, and

Mr. Wagner, from the committee on education, made the following report:

Mr. President:

The committee to which was referred Senate bill No. 25, "a bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duty of certain officers in connection therewith," have had the same under consideration, and have directed me to make the following report:

The 103d section of the charter of the State Bank of Indiana enacted "that for the purpose of providing funds on the part of the State to pay her subscription of stock in said bank, and afford to her citizens who may become stockholders therein, the ability of paying up their second and third installments of stock, the Commissioners of the Canal Fund are hereby authorized and directed to contract on the part of the State a loan of one million three hundred thousand dollars, or so much thereof as may be required for the purposes of this act, at a rate of interest not exceeding five per cent. per annum, redeemable after twenty and within thirty years, at the pleasure of the State; for the payment of which, and the interest thereon, at such time and place as agreed upon, the faith of the State is hereby irrevocably pledged."

By the 113th section of said charter it is provided, "that there shall be created a fund to be called the Sinking Fund, which shall consist of all unapplied balances of the loan or loans procured on the part of the State for its stock in the State Bank, or for the purpose of being loaned to stockholders to enabled them to meet their stock installments in the bank; the semi-annual payments of interest on the State loans to stockholders, and the sums that shall be received in payment of said loans, the dividends that shall be declared and paid by the State Bank on the State stock, and the dividends accruing on such portion of stock belonging to the other stockholders as shall have been paid for by the loan on the part of the State, and which shall not have been repaid by such stockholders." And the 114th section of said charter is as follows: "The principal and interest of said Sinking Fund shall be reserved and set apart for the purpose of liquidating and paying off the loan or loans, and the interest thereon, that shall be negotiated on the part of the State, for the payment of its stock in the State Bank, and the second and third installment on the shares of the other stockholders in said bank, and shall not be expended for any other purpose until said loan or loans and the interest thereon, and incidental expenses, shall have been fully paid. And after the payment of said loan or loans, the interest and expenses, the residue of said fund shall be a permanent fund, and appropriated to the cause of common school education, in such manner as the General Assembly shall hereafter direct."

By the 115th section it is provided that "the President and Directors on the part of the State, of the State Bank, shall constitute a standing Board of Commissioners of the Sinking Fund; and the President of said Bank shall be the President of said Board, and the Cashier of said Bank shall be the Clerk of said Board. They shall have the superintendence and management of said fund, under such powers and restrictions as are conferred or imposed by this act, or the Legislature from time to time shall prescribe."

Section 23 provides that "there shall be in said bank and branches an account created, opened and kept by the Commissioners of the Sinking Fund, in which they shall be credited with the dividends of profits accruing to the State on her stocks, and all other sums pas-

sing through or accruing in said bank properly belonging to that fund, which fund shall be under the control and direction of said commissioners as herein provided."

The 116th provides that the Board shall "see that the interest is promptly paid on the State loan or loans" authorized by the 103d section as above recited.

There was borrowed as above provided on five per cent. bonds		$1,390,000
Premiums and interest received	$32,516	
Less expenses and charges	5,765	
		26,751
		$1,416,751
There was invested in State bank stock	$880,000	
Loaned to individual stockholders on mortgages	255,009	
Loaned to individuals under the provisions of the several acts authorizing the loaning of the seminary funds on mortgages	281,742	
		$1,416,751

It will be seen, from these provisions of the charter, that the Sinking Fund was intended to be separate from and independent of the bank, and would continue after the period when the bank should cease to exist. In addition to their duties of supervising the interest of the State in the bank, the Commissioners were charged with the office of collecting the interest and profits of this fund from its several sources of investments, to discharge the interest on the bank bonds as it accrued, and within a period not exceeding thirty years from their creation, refund the principal and hold the residue of the fund as "a permanent fund to be appropriated to the cause of common school education, in such manner as the General Assembly shall hereafter direct." But before any part of it can be appropriated to common school education, the condition precedent imposed by the 114th section of the charter, must have been complied with, to wit: "The principal and interest of said Sinking Fund shall be reserved and set apart for the purpose of liquidating and paying off the loan or loans, and the interest thereon, that shall be negotiated on the part of the State for the payment of its stock in the State Bank, and for the second and third installment on the shares of the other stockholders in said bank, and shall not be expended for any other purpose until said loan or loans, and the interest thereon, and incidental expenses, shall have been fully paid." And any diversion or appropriation of all or any part of this fund to any purpose other than that for which it is specifically pledged as above, would be an act of bad faith towards our public creditors, which would lose nothing of its turpitude by the assumption that its amount is larger than that of the debt for which it is pledged. No State can afford to

tamper with her plighted faith, and no State in the Union has more weighty reasons than Indiana, at this juncture, to abide by her public covenants. And, however desirable it is to dispense this beneficent fund for the replenishment of our depleted school revenues, no urgency of this kind warrants a departure from the safe rule of sound morality.

Precluded from the present use of this fund, there rests upon this General Assembly the weighty responsibility of husbanding it to the best advantage for the benefit of those who have a direct, as well as those that have a reversionary interest in it. The 7th section of the VIII article of the constitution provides that "all trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created." That this was designed to cover the contingent trust above specified is not left to construction, for the 2d section of the same article of the constitution expressly declares that "the common school fund shall consist," with other specified funds, of "the bank tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana," and the 3d section declares that "the principal of the common school fund shall remain a perpetual fund, which may be increased, but shall never be diminished." And the 114th section of the charter provides, as we have seen, that "after the payment of said loan or loans, the interest and expenses, the residue of said fund shall be a permanent fund, and appropriated to the cause of common school education."

The constitution thus throws the shield of its protection over this fund, in its present and prospective uses. It first recognizes the inalienable character of the fund to be applied to any other use than that of providing for the repayment of the bonds outstanding, and after this fiduciary obligation is fully discharged, it enforces the original requirements of the charter, and devotes them to the maintenance of common schools, and adds the injunction that the principal or capital so acquired shall never be diminished.

Before the revision of the constitution in 1850 sundry enactments were had amendatory of the charter of the bank, and one, at least, of these operated disastrously to the interests of the Sinking Fund. In 1837 the General Assembly appropriated two hundred and eighty thousand dollars of the surplus revenue derived from the United States, to be invested as stock in the State Bank, the dividends to be paid to the fund commissioners, and by them to be applied to the payment of the interest on the internal improvement bonds of the State. In 1838 the Treasurer of State was authorized to receive from the State Bank, by a supplement to the act of the previous year, the sum of two hundred and eighty-six thousand seven hundred and fifty-one dollars, the amount of the fourth installment of the surplus revenue, in anticipation of that amount to be reimbursed to the bank on the 1st of January, 1839, to which period Congress had deferred the payment; and in the event of failure on the part of the United States to pay said installment, the fund commission-

ers were directed to issue State bonds for the amount to the bank, bearing six per cent. interest.

These enactments inaugurated the policy ever since persisted in, of resorting to this fund to relieve the State treasury when the latter exhibited an unexpected deficit. Here the purpose was to make provision for the payment of the interest on the internal improvement bonds of the State, for which there were no means in the treasury, and to reimburse the fund, by the further sale of bonds, or the surplus revenue, when it should be paid. Both these expectations failing to be realized, an act was passed and approved February 6th, 1841: "To provide in part for the payment of the interest on the public debt, and to increase the stock of the State in the State Bank, and to authorize said bank to issue notes of a less denomination than five dollars." The first section provides that the Commissioners of the Sinking Fund shall set apart the capital of the State in the State Bank, "being one million three hundred and four thousand nine hundred and fifty dollars," and the mortgages of stockholders for the payment of stock, "being two hundred and twenty-four thousand dollars," for the purpose of redeeming the debt due by the State for the bonds sold under the bank charter for bank purposes; and the second section directs the Commissioners to invest the Sinking Fund on loan to other persons, as the same should be paid, in bank stock. The third section provides, "that the Commissioners of the Sinking Fund shall semi-annually pay over to the Treasurer of State all moneys in their hands; being the balances of dividends on bank stock, and interest on mortgages, remaining after the payment of the interest on the bonds sold, and by the charter required to be paid by them." Section four declares: "And whereas, by the one hundred and fourteenth section of the Bank Charter, all the profit of the Sinking Fund, over and above the payment of the bank loans, interest and expenses, are set apart for the benefit of common schools, therefore be it enacted, that the investments and the payments in the second and third sections above contemplated, shall, when made, be deemed loans from the said Sinking Fund to the State, and shall bear interest accordingly, at the rate of six per cent. per annum, the principal and the accumulated interest to be repaid by the State whenever the bank stock shall be paid off, and the bank wound up."

On the 15th of February following, being a little over a week after, an act was passed which provided, "That in addition to the Sinking Fund, the Surplus Revenue Fund received by the State, the College Fund, the Saline Fund, and the State Bank School Fund, shall be drawn in and vested in bank stock;" and the sixth section provides that the interest and dividends of these respective funds should be paid over to the proper parties, to be appropriated "agreeably to the provisions of the laws now in force in this behalf." This act was repealed January 31, 1842, so far as it effected these funds; and on the same date a joint resolution, authorizing the issuing of treasury notes to pay the indebtedness of the State to the

bank for advances made, and which were made receivable in payment of principal and interest on loans from the Sinking Fund and Surplus Revenue Fund.

But this boosting of the State Treasury out of the Sinking Fund through the intervention of the State Bank reached its culminating point in "An act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes," approved February 2d, 1843. The "other purposes," so modestly appended to the title of the act, would seem to have been a leading, if not the chief purpose had in view in the enactment. Section 1 provides: "That the Treasurer of State be, and he is hereby authorized to surrender and cancel four hundred and thirty-seven thousand four hundred and fifty dollars of the stock held by the State in the State Bank of Indiana, so as to reduce the amount of stock so held to the amount of the original charter capital, and the same, when so reduced, shall be subject to all the liabilities and privileges of the charter capital." And section 2 enacts that "such surrender shall be made of such stock, only in such branches as shall pay for the same, one fifth in bankable funds, and for the residue the Treasurer may receive the six per cent. bonds, issued for the fourth installment of the surplus revenue, or the five per cent. treasury notes."

For the advances made by the Sinking Fund to the State under the act of February 6th, 1841, and the redemption of the bank scrip, as provided by joint resolution of January 31st, 1842, the last session of this General Assembly made provision funding them, the interest to be paid annually by the State after 1861, and they need not claim any further consideration in this inquiry. But the committee cannot suffer the occasion to pass without an expression of regret that the General Assembly of 1843 should have allowed the sum of four hundred and thirty-seven thousand dollars to be stricken out of existence by one fell swoop, the capital and profit of which, from that time to the present, were pledged to the redemption of the bank bonds and the overplus to the Common School Fund. It was the inevitable result of that policy which invites a waning treasury to recuperate from this ever tangible fund, and admonishes us that so long as it is allowed to remain in a condition to be made the adjuvant of the State finances on every exigency, no legislative precaution can protect it from marauding incursions by the State Treasury. The Sinking Fund was in no wise responsible for the debts of the State, and there existed no reason why its interests should have been subordinated to those of the State treasury. There was not only nothing realized to the fund from these repeated legislative enactments, but after entailing heavy losses upon it, the quota of one fifth of the stock made payable in current funds was appropriated by the Legislature to the payment of its own expenses, and those of the State administration, which must otherwise have been made in State scrip, a species of currency provided for the popular sovereigns. This arrangement comprehended "the other purposes" appended to the title of the act.

It may be urged in explanation of this step taken by the General Assembly, that the one half of the Surplus Revenue was appropriated to the Internal Improvement Fund, and the Sinking Fund was not entitled to the profits of this investment in bank stock; and the State having proposed it as a bounty to the Sinking Fund, had a right to resume it, when her necessities required it. But this was neither the design nor effect of the several enactments referred to. They were intended to make the State Bank and the Sinking Fund subservient to the State treasury; and the effect was, that the bank, through the vigilance and sagacity of its officers, secured itself from loss; while the Sinking Fund Commissioners were the creatures of the Legislature, with a limited discretion in guarding the fund, and thus sustained, as can be easily shown, serious loss by the relationship.

The State held one half of the stock in the State Bank, the profits of which, after paying the annual interest and ultimately the principal of the bank bonds, were to be appropriated to the School Fund. There had accumulated a considerable surplus fund, reserved from distribution as dividends. In order to raise the means to pay the interest on her Internal Improvement bonds, the General Assembly directed that the third and fourth installment of the surplus revenue derived from the United States should be invested in bank stock. The bank accordingly increased the State stock to the amount of four hundred and thirty-nine thousand dollars, including the premium required to make it equal to the average surplus fund reserved from the profits of the bank on its original stock. But the dividends on the increased amount of stock were to be paid to the Treasurer of State, instead of to the Sinking Fund. And this is not all—the Commissioners of the Sinking Fund are directed to pay over "all moneys in their hands, being the balances of dividends on bank stock, and interest on mortgages remaining after the payment of the interest on the bonds sold, and by the charter required to be paid by them." But in order to preserve a plausible show of justice in the arrangement, the State first pledges the capital stock of the State, amounting to one million three hundred and four thousand dollars, for the redemption of the bank bonds; and the interest on the mortgages and the dividends on the bank stock are to be paid into the State treasury, and to be held as a loan to the State. Only a portion of the third installment was paid to the bank, and the Fund Commissioners issued State Internal Improvement bonds to the bank for the deficit of the increased stock. Finally four hundred and thirty-seven thousand four hundred and fifty-one dollars of the State stock in the bank is directed to be canceled in 1843, reducing the amount to that originally held by the State, when the first branches were established. Thus vanished the magnanimous guaranty of one million three hundred and four thousand dollars, of February 6th, 1841, pledged to the payment of the bank bonds, and the fulfillment of which would, to an equal amount, have increased the present Sinking Fund. And while the State was realizing a dividend of

perhaps fifteen per cent. on her four hundred and thirty-nine thousand dollars of increased stock, the Sinking Fund was receiving six per cent. for her moiety of the interest on the State bonds held in lieu of the State stock in the bank.

The committee would direct attention to the fact that the General Assembly were not content with so directing the affairs of the bank, as to diminish the profits which should have accrued to the Sinking Fund as originally designed by the charter, and to divert these into the State Treasury; but it was as prompt to seize upon the current income of the Fund derived from mortgaged loans in the various counties, and deposit it in the same common receptacle, to be refunded with six per cent. interest, at some indefinite period in the future, when the State should be seized with more compunctious convictions of wrong to this plighted fund. Whether this time will ever arrive or not admits of doubt, but that it is not impending in the immediate future hardly admits of this; and in the mind of the committee it strengthens the conviction, that the Sinking Fund will be diverted to illegitimate uses so long as it can be made available, and that no artificial barriers will prevent its being confounded with ordinary State finances, and thus expose it to the hazard of becoming dissipated and squandered. And nothing in our recent financial history authorizes the assumption that the fund will be held more sacred in the future than the past; and its growing magnitude renders it a standing temptation to the venal and corrupt to divert its expenditure to selfish ends. No allusion has been made to the more recent dependence of the State Treasury upon the Sinking Fund, as the facts are fresh in the recollection of all Senators. Similar exigencies in our finances will be constantly recurring events, and the prompt relief at hand offered by the fund encourages extravagance in our expenditures, and a neglect of precautions for economizing our revenues. To avoid these temptations to borrow on the one hand, and to surround this fund with all practicable security from diminution on the other; the committee recommend that it be invested in our own public securities and that these be afterwards canceled, so that neither the State nor individuals can make them available for any financial purpose. It is believed to be the safest for the preservation of the fund, and the least burdensome to the State, and to promise ultimately the most certain and profitable income to be expended in the maintenance of Common Schools.

It has been suggested that the loaning of this fund on mortgaged securities in the several counties of the State would best subserve the interests of the fund. Experience in the management of the public funds invested in this way does not commend the plan. Loss to the funds so loaned is believed always to have ensued, and although to some extent this may be chargeable to a laxity in the law, no penalty for its violation or stringency in its requirements will prevent it. This will appear more obviously upon examination of its pratical working. Loaned in small sums, similar to those at

present loaned by county officers, the number of borrowers would amount to above 6,000. Every county in the State would thus have its petty broker's office besiged by these borrowers, who would be the immediate neighbors of the proper officers having charge of the funds. Amongst the applicants will be those who have elected the encumbents to their offices, and whose continued support may be necessary to retain them there. Favorites are to share the spoils of victory, by having indulgence if already debtors to the fund, or as preferred applicants if only prospective recipients, and gentlemen who have controlled the largest vote for the successful candidate, will be regarded as having "claims" on the fund which cannot be ignored by a flaw in the security that may be offered. Needy politicians grow sharp-witted as well as necessitous; partizan services beget tack and shrewdness directed to what promises the most certain pay; and when they are not aspirants themselves to places of pecuniary responsibility, frequently put forward those instead whom they hope to subsidize for their benefit after having secured their election. Besides party interests are to be regarded in the distribution of favors. Some thousands of voters, on one side or the other, are desirous of remaining borrowers; more than twice their number are eager for their turn to come; and in the constantly recurring scrambles for petty favors at each election of the officers, the fund must depend for its integrity upon their vigilance, fidelity and ability. How adequate these would prove may be further inferred from the consideration, that the officers thus chosen are to determine upon the validity and perfectness of the title to the realty owned by the 6,000 borrowers, and held as security for their respective loans. Is it any disparagement to the county officers holding these places at present, to inquire if any other result than litigation, expense and loss to the fund would ensue? Would any sane man in the State, entrust the tenth part of the amount of this fund, belonging to himself, to be loaned and its payment secured in this manner? Can a system be safe for the State, that would be repudiated by every business man desirous to protect himself from loss?

It may be said that the respective counties being responsible for the fund, will not entrust it to incompetent hands, or if they should, will have to refund the portions lost. But loss has occurred heretofore, and we have no valid reason to assume that they will do any better hereafter. Whether they have ever refunded the principal when lost the committee are not advised, but to impose a tax upon the honest and debt-paying portion of the people, to reimburse the squanderings of the dishonest and thriftless, is to offer a premium for idleness and speculation, and assess a tariff upon integrity and industry. The principle is vicious and no practice under it can work other than evil results, and it were better at once to dissipate the fund than use it to corrupt the people. The honest toilor will not covet the fund at the hazard of its depreciation, and the petty speculator has no claims upon it, and neither public policy nor the interest of the fund commend this distribution of it.

Assuming that the investment of the fund in public securties should command the assent of the General Assembly, the committee invite attention to the outline of a plan herewith submitted. It provides for the payment of the principal, interest and expenses of the bank loan, and in fulfillment of the injunction of the constitution gives perpetuity to the overplus by consolidating it, and investing it in a secure manner, beyond the reach of future legislatures and admistrations to eke out the deficiencies of the State Treasury.

The committee propose a consolidation of all the State funds for School purposes, and that they be invested in the public stocks of this State, as rapidly as their ordinary income, not otherwise appropriated or refunded, shall warrant. But if there should not be any State stocks, or bank bonds in the market, when funds available for their purchase were on hands, then such other public securities as those of the United States, the States of Ohio, Pennsylvania and New York, should be purchased for temporary investment, to be replaced by those of Indiana, so soon as these can be had on advantageous terms. The other public securities named, can always be properly converted into money, when it may be needed to purchase those of this State; and the committee have deemed it best to limit the kind of securities to be purchased, as this is designed to be subsidiary to the ultimate design of converting the Sinking Fund into our own public debt.

The committee further propose to invite public proposals for the purchase of these securities. This manner will make the competition commensurate with the holders of Indiana securities, and by giving publicity to the whole transaction, secure that degree of scrutiny from those interested on both sides, as to afford no middle ground for collision and peculation. The commissioners making the purchases are required to keep and file all the proposals made for the purchase of stock, and also to make a detailed record of the securities so purchased, and having canceled those of the State of Indiana, hand them to the Treasurer of State, who shall also make a record of them, and preserve them in his office. Any discrepancy in the records of these two departments will at once disclose any unauthorized use of the property of the Fund; but as the bonds and stocks of this State are required to be canceled, no further use of them can be made, and they are preserved as an attested payment made by the Fund to the State. These are the main features of the bill, the remaining portion having reference chiefly to regulating the duties of the proper officers in executing the requirements of the bill.

On motion by Mr. Wagner,

The report was laid on the table and two hundred copies ordered to be printed for the use of the Senate.

Mr. Johnston introduced

Senate bill No. 109. A bill to amend sections 1 and 2 of an act entitled "an act to provide compensation to the owners of animals killed and injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1st, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cooper introduced

Senate bill No. 110. A bill to prohibit clerks of the circuit and common pleas courts, and their deputies, from practicing as attorneys at law in the courts of which they are clerks or deputies, and from practicing law in the courts of this State,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Fisk introduced

Senate bill No. 111. A bill to amend the 6th section, of the 37th chapter, of the revised code of 1852, respecting costs in criminal cases,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate bill No. 112. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, 1859,

Which was read a first time, and passed to a second reading on to-morrow.

The order of business was suspended, and

On motion by Mr. Cobb,

Resolved, That when the Senate adjourn it stand adjourned until Monday next at 2 o'clock, P. M.

The order of business was suspended, and

Mr. Fisk offered the following preamble and resolution:

WHEREAS, There has been several overcoats taken from the other end of the capitol, without the consent of the owners, and that coats and hats of the members of the Senate are equally exposed to the light fingered gentry; therefore,

Resolved, That the Doorkeeper have the clerk's room, on the right of the President's chair, arranged with pins or hooks for the purpose of hanging coats and hats of members of the Senate, and that such pins or hooks be numbered corresponding with each Senator's desk, and that the Assistant Doorkeeper prevent any stranger from entering said clerk's room.

Which was adopted.

Mr. Conley introduced

Senate bill No. 113. A bill to provide for stationery and postage for members of General Assembly of the State of Indiana, to provide for employing reporters, and the publication of the proceedings of the Legislature in certain newspapers, and to provide for the taking of the same,

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Kinley,

The order of business was suspended, and

Mr. Kinley made the following report from the committee on education:

Mr. President:

The committee on education to whom was referred a resolution of the Senate, instructing them to report a bill authorizing the State Board of Education to place bound copies of the Indiana School Journal in the county and township libraries of the State, have instructed me to report the following bill and recommend its passage:

Senate bill No. 114. A bill authorizing the State Board of Education to purchase and place in the county and township libraries of the State, copies of the Indiana School Journal.

Senate bill No. 114, introduced in the foregoing report,

Was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Conley offered the following resolution:

Resolved, That the special committee to whom was referred Senate bill No. 42, are hereby instructed to inquire into the management of the Bank of the State of Indiana, and the conduct and transaction of its officers during and since its organization, and that said committee is hereby empowered to send for persons and papers, if deemed necessary by a majority of said committee.

Mr. Heffren moved to lay the resolution on the table.

Mr. Conley demanded a call of the Senate.
Objections being made,
The question was put, shall a call of the Senate be ordered?
Which was not agreed to.

The question being, shall the resolution be laid on the table?

The ayes and noes being demanded by Senators Conley and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Cobb, Conner, Cooper, Cravens, Craven, Green, Hamilton, Heffren, Hill, Johnston, Odell, Stevens, Turner and Wagner—18.

Those who voted in the negative were,

Messrs. Conley, Fisk, Gooding, Hargrove, Hendry, Jennings, Kinley, Line, Lomax, McClure, March, Miller, Rice, Shoemaker, Slack, Thompson and Wallace—17.

So the resolution was laid on the table.

Leave being granted,
Mr. Line, from the committee on agriculture, made the following report:

Mr. President:

The committee to whom was referred Senate bill No. 33, "a bill to tax dogs and indemnify the owners of sheep killed or injured by dogs or wolves," have had the same under consideration, and recommend the following amendments, and when so amended, they recommend its passage:

Amend section 2, after the word "collected," *Provided, however,* That no dog or bitch under four months old at the time the assessment is made, shall be included in said list.

Amend section 5, last line, after the word "each," add the following amendment:
Provided, however, That each claim shall be filed by the first day of April of each year, and no moneys shall be paid out of said fund until the first day of April of each year, when, if the funds aforesaid are not sufficient to pay all the claims, then the said funds shall be paid *pro rata* to each claimant.

Which report was concurred in, and the bill ordered to be engrossed.

Leave being granted,
Mr. Wagner presented the petition of Enos Canutt and others on the subject of printing,
Which,
On motion,
Was referred to the committee on printing.

On motion by Mr. Wagner,
The Senate adjourned.

MONDAY, 2 o'clock, P. M., January 24, 1859.

The Senate met.

The Journal of Saturday was read.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of Senate Joint Resolution No. 6, "a joint resolution instructing our Senators and requesting our Representatives in Congress to vote for a law fixing the time, place and manner of electing United Senators in each State," made the special order for to-day at 2 o'clock, P. M.
Which was,
On motion by Mr. Odell,
Referred to the committee on federal relations.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Studabaker presented the petition of H. L. Phillips and others on the subject of printing,
Which,
On motion by Mr. Studabaker,
Was referred to the committee on printing.

REPORTS FROM STANDING COMMITTEES.

Mr. Heffren, from the committee on finance, made the following report:

Mr. President:

The committee on finance, to whom was referred Senate bill No. 30, "a bill to provide for the transferring of the certificates of stock of the State of Indiana, providing for a registry of the same, and to prevent a fraudulent issue thereof, and providing a punishment for violation of the provision of this act," have had the same under consideration, and have instructed me to report it back and recommend its passage;

Which report was concurred in, and

The bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Studabaker, Wallace, Weir and Wilson—37.

Those who voted in the negative were,

Messrs. Slack, Steele, Thompson, Turner and Wagner—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Beeson, chairman of the committee on agriculture, made the following report:

Mr. President:

The committee on agriculture, to whom was referred Senate bill No. 38, "a bill to enable industrious indigent persons who are unable to give security, to rent lands," have had the same under consideration, and after agreeing to the following amendment, after the word "land," in the second section and second line, add the words "occupied by;" and after being so amended, do recommend its passage;

Which report was concurred in, and the bill ordered to be engrosed and read a third time on to-morrow.

On motion by Mr. Slack,
The order of business was suspended, and
The following bill taken up, to-wit:

Senate bill No. 60. A bill to fix the times of holding courts in

the seventh judicial circuit, and prescribing the length in each county thereof.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were.

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—44.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Bobbs,
The order of business was suspended, and
The following bill taken up:

Senate Bill No. 49. A bill fixing the time of holding courts in the fifth judicial circuit;
Which was read a second time.

Mr. Bobbs moved to refer the bill to a select committee of five.
Which was agreed to; and

The President appointed Senators Bobbs, Jennings, Gooding, Blair and Murray said select committee.

BILLS INTRODUCED.

Mr. Green introduced

Senate bill No. 115. A bill to amend the 327th section, of articles 18, of chapter 1, Revised Statutes of 1852, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of practice and pleading, without distinction between law and equity," approved June 18, 1852,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Heffren introduced

Senate bill No. 116. A bill to fix the time of holding circuit courts in the second judicial circuit, and to repeal all laws in conflict therewith,

Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—41.

So the rules were suspended and the bill read a second time by its title.

Mr. Heffren moved to refer the bill to a select committee of three.

Which was agreed to; and

The President appointed Senators Heffren, Lomax and Cobb said select committee.

Mr. March introduced

Senate bill No. 117. A bill to amend the 238th and 241st sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to provide for the examination and taking the depositions of parties as witnesses in civil actions and proceedings,"

Which was read a first time and passed to a second reading on to-morrow.

Mr. Murray introduced

Senate bill No. 118. A bill to amend the 1st section of an act entitled "an act to apportion Senators and Representatives for the next four years," approved March 9th, 1857,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wallace introduced

Senate bill No. 119. A bill to amend section five of an act entitled "an act concerning the partition of land,"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bennett introduced

Senate bill No. 120. A bill to amend an act entitled "an act to amend an act entitled 'an act defining misdemeanors and prescribing punishment therefor,'" approved February 19, 1857,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Line introduced

Senate bill No. 121. A bill to protect those who exhibit animals or articles at any agricultural exhibition, and to punish any person or persons who may be detected in the removal of any label placed on any animal or article placed on exhibition, and to punish persons who may enter fair grounds, or places of agricultural exhibitions, contrary to the rules of the society regulating the admission of persons to the same,

Which was read a first time.

Mr. Line moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace and Wilson—44.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

On motion by Mr. Line,

The bill was referred to the committee on agriculture.

Mr. Weir introduced

Senate bill No. 122. A bill supplemental to an act entitled "an

act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855; and all other laws or parts of laws inconsistent herewith, approved Feb. 5, 1857."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green introduced

Senate bill No. 123. A bill to amend sections 142 and 143 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and repealing conflicting laws.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Studabaker introduced

Senate bill No. 124. A bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State."

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Heffren,
The order of business was suspended, and
The following bill was taken up, to-wit:

House bill No. 12. A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing punishment for the issuing or failure to redeem any such currency,

Which was read a second time.

Mr. March moved to amend the bill by adding the following section:

Sec. —. *Be it further enacted*, That any person who shall knowingly, barter, sell, or put away, for a valuable consideration, any bank note or bill, drawn on or by any bank of any State, knowing such bank at the time to be broken, or to have suspended specie payments, without disclosing such knowledge to the person receiving such bill or note, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten nor over one thousand dollars.

On motion by Mr. Heffren,
The bill and pending amendment were referred to the committee on banks.

On motion by Mr. Heffren,
The order of business was suspended, and
Mr. Heffren offered the following preamble and resolution:

WHEREAS, This General Assembly, in joint convention assembled, on Friday the 14th day of January, 1859, elected Grafton F. Cookerly, Thomas M. Brown and Samuel H. Buskirk Directors of the State Prison, without determining the length of time such persons should serve as such directors; but left that to be fixed as provided in the act creating such office; AND WHEREAS, The Journal of this Senate incorrectly states that Grafton F. Cookerly and Thomas M. Brown were each elected to serve for the term of four years, and that Samuel H. Buskirk was elected to serve for the term of two years; therefore, be it

Resolved, That the Journal of said joint convention be, and the same is hereby amended to read as follows, namely: "That Grafton F. Coorkerly, Thomas M. Brown and Samuel H. Buskirk having each received a majority of all the votes cast for Directors of the State Prison, they, and each of them, are hereby declared to be elected such directors to serve as such for the time fixed by law, and until their successors are elected and qualified."

The question being, shall the preamble and resolution be adopted?

The ayes and noes being demanded by Senators Line and Heffren.

Those who voted in the affirmative were,

Messrs. Bennett, Carnahan, Cobb, Conley, Cravens, Fisk, Hargrove, Heffren, Hendry, Jennings, Johnston, Kinley, Miller, O'Brien, Odell, Shoemaker, Slack, Steele, Stevens, Studabaker, Wallace and Wilson—22.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cooper, Craven, Culver, Gooding, Green, Hamilton, Hill, Jones, Line, Lomax, McClure, March, Murray, Rice, Thompson and Turner—22.

So the preamble and resolution were not adopted for the want of a majority.

ORDERS OF THE DAY.

Senate Bills on Second Reading.

Senate bill No. 48. A bill to repeal an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 50. A bill to amend the sixteenth section of an act entitled "an act concerning the partition of lands," approved May 20, 1852,

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 51. A bill for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate Bill No. 53. A bill to authorize county commissioners to award compensation to persons who may bring to justice fugitives from the same,

Was read a second time; and

On motion,

Referred to the committee on finance.

Senate Bill No. 54. A bill to amend an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7, 1857,

Was read a second time.

Mr. Wagner moved to refer the bill to a select committee of five.

Which was agreed to; and

The President appointed Senators Wagner, Rice, Murray, Heffren and Steele said committee.

Senate Bill No. 55. A bill to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,"

Was read a second time; and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 56. A bill to amend sections one and twenty-seven of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18th, 1852,

Was read a second time; and

On motion,

Referred to the committee on roads.

Senate Bill No. 57. A bill authorizing township trustees to establish water-courses and locate ditches in certain cases, and for the benefit of agriculture,

Was read a second time; and

On motion,

Referred to the committee on agriculture.

Senate bill No. 84. A bill fixing the time of holding courts of common pleas in the counties of Huntington and Wells, determining the length of terms and repealing all laws inconsistent therewith,

Was read a second time.

Mr. Slack moved to refer the bill to a select committee of three.

Which was agreed to; and

The President appointed Messrs. Slack, March and Studabaker said select committee.

Senate Bill No. 52. A bill to provide a site and plans for the erection of a State House of Refuge, for the correction and reformation of juvenile offenders, creating a Board of Commissioners for the same, defining their duties and those of certain other officers therein named,

Was read a second time.

Mr. Johnston moved to amend the first section of the bill by striking out the names of Dr. T. S. Cornett, of Ripley county, D. P. Holloway, of Wayne connty, and L. M. Vance, of Marion county.

On motion by Mr. Bobbs,

The bill and pending amendment was referred to the committee on benevolent institutions.

On motion by Mr. Heffren,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock,
January 25, 1859.

The Senate met.

The Journal of the preceding day was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Green presented the petition of L. E. Rumrill and others on the subject of printing,
Which,
On motion by Mr. Green,
Was referred to the committee on printing.

REPORTS FROM SELECT COMMITTEES.

Mr. Heffren, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred Senate bill No. 116, "a bill to fix the time of holding circuit courts in the second judicial circuit, and to repeal all laws in conflict therewith," have had the same under consideration, and have directed me to report the same back, and unanimously recommend its passage.
Which report was concurred in.

Mr. Heffren moved to consider the bill as engrossed, and read a third time now.
Which was agreed to; and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Rice,

Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

BILLS INTRODUCED.

Mr. Johnston introduced

Senate bill No. 125. A bill to prohibit the sale of adulterated liquors, and the sale of intoxicating liquors, wine, cider, beer or ale to idiot, insane or intoxicated persons, or minors,
Which was read a first time.

Mr. Johnston moved to suspend the rules and to read the bill a second time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Weir and Wilson—42.

No Senator voting in the negative.

So the bill was read a second time by its title.

Mr. Gooding moved to refer the bill to the committee on temperance.
Which was agreed to.

Mr. Steele introduced

Senate bill No. 126. A bill to provide for a geological, mineralogical, and agricultural survey of the State of Indiana,
Which was read a first time.

Mr. Steele moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wallace, Weir and Wilson—40.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Steele,
The bill was referred to the committee on agriculture.

Mr. Blair introduced

Senate bill No. 127. A bill to amend the 18th, 25th and 26th sections of an act entitled "an act regulating descent and the apportionment of estates," approved May 14, 1852,
Which was read a first time.

Mr. Green introduced

Senate bill No. 128. A bill in relation to the publication of legal advertisements,
Which was read a first time and passed to a second reading on to-morrow.

Mr. Bennett introduced

Senate bill No. 129. A bill declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor,
Which was read a first time and passed to a second reading on to-morrow.

Mr. Cooper introduced

Senate bill No. 130. A bill to prevent the sale of adulterated liquors, to prevent adulteration, and to prescribe punishment therefor,
Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Conner,
The order of business was suspended, and
The following bill taken up, to-wit:

Senate bill No. 1. A bill to amend the 6th, 7th, 12th, 19th and 20th sections of "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852, and providing for opening decrees in the cases therein specified, and the time when this act shall take effect.

Which was read a third time.

Mr. March moved to recommit the bill to a select committee of three, with the following instructions:

Add the following amendment to the end of the seventh section: "The provisions of this section shall extend to decrees of divorce heretofore, as well as those hereafter rendered, so far as relates to questions of alimony, disposition of property, and the care and custody of children."

Mr. Weir moved to add the following additional instructions:
Amend by striking out the words "one year."

Mr. Hargrove called for a division of the question.

The question being, shall the bill be recommitted?
It was agreed to.

The question being, shall the instructions of Mr. March be adopted?
It was agreed to.

The question being, shall the instructions of Mr. Weir be adopted?
It was not agreed to.

The President appointed Senators March, Wallace and Odell said select committee.

SPECIAL ORDER.

The hour having arrived for the consideration of Senate bill No. 25, a bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith, and the report of the committee of education thereon, made the special ordered for to-day at 10 o'clock, A. M.

On motion by Mr. Bobbs,
The further consideration of the report and bill was postponed un-

til Thursday next at 10 o'clock, A. M., and made the special order for that hour.

Mr. Heffren introduced

Senate bill No. 131. A bill to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venue in certain cases,

Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second now by its title.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—42.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Heffren,

The bill was referred to the committee on the judiciary.

Mr. Green introduced

Senate bill No. 132. A bill for the better protection of the Sabbath, with penalties for the violation thereof, and to repeal an act entitled "an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28th, 1855,

Which was read a first time and passed to a second reading on tomorrow.

On motion by Mr. Studabaker,

The order of business was suspended, and

The following bill taken up, to-wit:

Senate bill No. 107. A bill to authorize the appraisers of real

property and their deputies to administer all oaths and affirmations required to be administered in the discharge of their official duty.

Which was read a second time.

Mr. Green moved that the bill be considered as engrossed, that the rules be suspended, and the bill read a third time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, Miller, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—42.

No Senator voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, Miller, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Jones introduced

Senate bill No. 133. A bill respecting the removal of executors, administrators and guardians, and the appointment of commissioners to settle their trusts in certain cases,

Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Bobbs,

The order of business was suspended, and

The following bill was taken up, to-wit:

Senate bill No. 112. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, 1859.

Mr. Bobbs moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Thompson, Turner, Wallace, Weir and Wilson—36.

Senators Carnahan and Cobb voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Bobbs,
The bill was referred to a select committee of seven.

The President appointed Senators Bobbs, Cravens, Anthony, McLean, Culver, Hamilton and Beeson said select committee.

On motion by Mr. March,
The order of business was suspended, and
Mr. March, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred Senate bill No. 1, "a bill to amend the 6th, 7th, 12th, 19th and 20th sections of 'an act regulating the granting of divorces, nullification of marriages, and decrees and orders of the court incident thereto,' approved May 13, 1852, and providing for opening decrees in the cases therein specified, and the time when this act shall take effect," have had the same under consideration, and have directed me to report the same back with the following amendment, added to the end of the seventh section:

"The provisions of this section shall extend to decrees for divorces heretofore, as well as those hereafter rendered, so far as relates to questions of alimony, disposition of property, and the care and cus-

tody of children," and when so amended, the committee recommend the passage of the bill.

Which report was concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace and Wilson—42.

Those who voted in the negative were,

Messrs. Fisk, Hendry and Weir—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Wallace,
The order of business was suspended, and
Mr. Wallace presented the following communication:

SENATE CHAMBER,
Indianapolis, January 10, 1859.

PROF. CALEB MILLS:

SIR:—The undersigned, members of the Senate Committee on Education, respectfully request that you will draw up and forward us, at your earliest convenience, any suggestions pertinent to our present school system, that may have occurred to you, as the result of your experience in the discharge of your duties as Superintendent. Along with your suggestions, be kind enough to send us such facts, statistics, &c., as you deem important and worthy public consideration. We take this step, sir, assured that you have paid a great deal of attention to common schools, and feel an abiding interest in their prosperity, as well as in the education of the yourth of the State.

G. D. WAGNER, LEWIS WALLACE,
W. MARCH, JOHN R. CRAVENS,
W. C. TARKINGTON, WM. E. McLEAN,
ISAAC KINLEY, D. C. ANTHONY,
C. O'BRIEN.

Messrs. G. D. Wagner, Lewis Wallace, W. March, J. R. Cravens, W. E. McLean, W. C. Tarkington, Isaac Kinley, C. O'Brien, and D. C. Anthony, members of the Senate Committee on Education:

GENTLEMEN:—Your note of the 10th inst. came to hand on the 13th, requesting the favor of such suggestions on the improvement of our School Law as experience and observation might dictate as desirable to be incorporated into our educational system on a thorough revision. I cannot hope to fully meet your expectations; yet, as the subject has occupied more or less of my leisure thoughts, I will not withhold any assistance in my power to render you in the arduous work of perfecting a system which, when substantially complete, will make our State all that we could desire to see her.

If the suggestions herewith transmitted meet your approval, and contribute, in any good degree, to aid you in the aforesaid revision, the result will be an ample compensation for the time and effort appropriated to the subject.

Yours truly,

CALEB MILLS.

WABASH COLLEGE, January 22, 1859.

EDUCATIONAL SUGGESTIONS.

There is no interest demanding from time to time legislative consideration and action, whose claims are paramount, or indeed equal to those of Popular Education. The proper training of the masses is the only basis on which a government like ours can rest, with any rational hope of perpetuity or progress.—Without intelligence and self-control, neither individuals nor communities can accomplish the legitimate purpose of their existence, or execute any worthy mission. Nothing save mental and moral culture can fit the individual for a just appreciation of his relative duties and a faithful discharge of the varied responsibilities growing out of his civil and social, personal and associated relations. Nothing save the aforesaid development and discipline, can protect the citizen or the commonweath against the encroachment of ignorance and vice, detect the cunning sophistry of selfishness, and lay bare its tortuous obliquities.

To perfect a system that shall accomplish such results, is certainly worthy of the gravest thought and the most profound consideration of the Legislature. No pains should be spared to place within the reach of the people all suitable means of rightly understanding their true interests, and the proper method of securing them. Any legislation that does not rest on an intelligent conviction in the public mind of its wisdom and necessity,

must inevitably fail of accomplishing its appropriate mission. An educational statute should not only rest upon such a basis, but one of its prominent and legitimate functions should be to develop facts and diffuse information through the community, illustrative of its efficiency and wisdom. Valuable results may be reached in diverse locations, demonstrating the capacity of the system and the wisdom of its provisions, yet for the want of such publicity it may seriously suffer in the public estimation. This has been, in no slight degree, the experience of our educational code. If the results it has accomplished, even with all its imperfections, and under the disadvantages it had labored, were fully known, the opinions of many would be materially modified, and the Legislature would be at no loss to perceive that the true policy demanded the perfection of the system at any reasonable expense and at the earliest day. There are many obvious and pressing reasons why our educational system should receive the special attention of the Legislature of 1859. That these may be more clearly seen and impressively felt, it may be well to glance at our educational antecedents, in the natural order, *Constitutional Provision*, *Legislative Action*, and *Judicial Decisions*. A clear perception of the full import and character of the first is necessary to an intelligent correction of the second, and a proper appreciation of the third.

CONSTITUTIONAL PROVISION.

Our Constitution is probably unlike the fundamental law of any other State in the Union in its educational department. Its framers, guided by the experience of our own, as well as of other States, evidently intended not to leave to the uncertainty of legislation the correction of that radical defect of educational systems which hitherto had baffled legislative skill to correct, both here and elsewhere, viz: inequalities of burden, and corresponding inequalities of privilege. They therefore placed the schools on the broad basis of State provision and general supervision. The latter by the creation of the office of Superintendent of Public Instruction, and the former by the consolidation of the permanent funds. Nothing can be more evident than that the Commonwealth is pledged, by its fundamental law, to provide the necessary means to sustain these nurseries of her youth an annual period sufficient to accomplish the wise and benevolent purpose contemplated by the educational features of the Constitution. This is a wise and noble provision, however illy it may accord with the suggestions of prejudice and the promptings of selfishness, and is justly regarded by the friends of education as conclusive evidence of the patriotic foresight and firmness of its authors, commanding the admiration of the present and the plaudits of the future. Nothing is more patent than that the schools of Indiana rest on the same basis of sup-

port with her courts, her legislative and executive departments, her punitive, corrective and benevolent institutions. The property and polls of the State can be assessed with no more propriety or Constitutional authority for the administration of justice than the diffusion of knowledge—for the punishment of crime than its prevention.

The Constitution specifically and distinctly *commands* the Legislature, not merely permits that body, "to provide by law for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all." It concentrates all the responsibility of providing the requisite tuition on the State, to the entire exclusion of local aid and co-operation. Till the full measure of its obligation is satisfactorily met, and its pledges are faithfully redeemed, it must necessarily not merely discourage, but absolutely and positively forbid any municipal partnership. While other States permit and encourage such co-operation—nay more, many of them devolve almost the whole responsibility of support on local corporations, and thereby create and perpetuate in their educational systems glaring defects, resulting in a great disparity in the length of schools in the same township, and also a gross inequality in townships of like population and wealth—our Constitution happily guards educational legislation against any such errors, and protects our school system from all such blemishes, elsewhere seen and lamented. The embodiment of this principle, that the property and polls of the State should educate its youth, in the fundamental law of the Commonwealth, is both the glory and protection of Indiana. This is the true policy—the only sound and equitable principle on which an educational system should be based. If it is the duty of the State to provide for the education of her youth, both justice and equity demand that the pecuniary means should be drawn from the same source that defrays the expense of legislation and the dispensation of justice; for nothing is more obvious than that intelligence and uprightness in the masses is the best, and in fact the only reliable guarantee that the former shall be wise and efficient, and the latter prompt and equitable. As long as integrity and truth shall command a premium, and dishonesty and falsehood be subject to a discount, so long will the interest of the State require that her mental circulating medium shall be sound and uniform—for mind, like money, is in constant circulation.

It is expressly specified that the system shall be *general*, extending to all, and its blessings equally accessible to all, without distinction of condition or social position. If it is general in its privileges, then, by parity of reasoning, it must be general in its provisions. If the school house is as open and free to our youth for mental culture, as the courts are for redress of wrongs, then their support should be drawn from a common source. If

the principle is correct in the one case, it cannot be consistently questioned in the other. If it is just and unquestionable in the dispensation of justice, it is no less so in the diffusion of knowledge. If courts must be open and free a sufficient length of time to all who have occasion to use them, and be supported at the expense of the State, then the schools are entitled to a similar support.

The Constitution also requires that the school system shall be *uniform* in its operation. By its term it is obviously intended that the schools shall be of uniform character and length of session This uniformity can, in the very nature of the case, only be proximate, not perfect. It cannot be otherwise in its details, even when the funds are distributed on the *per capita* basis. No human wisdom nor legislative foresight can, by general provision, make the aforesaid uniformity absolutely perfect. The schools, even in townships of equal population, will seldom be of equal length, for the simple reason that trustees will be governed, in the employment of teachers, by dissimilar views. The State can go no farther in this direction than she has gone in the statute, distributing the school funds on the basis of the number of children, and requiring that the schools in the same township be of *equal period*, without regard to the number of pupils, and prescribing the qualifications of teachers. She can no more make her schools exactly uniform in length and character, than she can her courts in session, her judges in legal attainments, and jurors in shrewdness and integrity.

There is another point to be considered in determining the full import and extent of the educational elements of the Constitution. While the statute must be *general* in distinction from *local* in its application, and uniform in distinction from partial in its operation, it must also be *adequate* in distinction from meager in the extent of its provision, else it will most radically fail to meet the exigencies of the case, and come far short of realizing the expectations of the people. This is a point too obvious to require discussion, and needs only to be brought out and distinctly stated, to command universal assent. This is fundamental to success, and must not be overlooked or disregarded. Deficiency here can work nothing but disappointment and disaster elsewhere. Failure at this point makes all else the sheerest mockery.

This is the point at which our educational statute is evidently most defective, and where it has manifestly fallen far short of the requisitions of the Constitution.

That the framers of our fundamental law contemplated nothing else than an ample and liberal provision of funds, is evident from the clear and guarded language employed in directing the appropriation of school funds. There are but two sources from which tuition can be legitimately derived; funds specifically de-

voted to that purpose and taxes. The State was in possession of a large amount of the former, the result of her own and the general government's liberality. These permanent funds, however valuable they might prove as a supplement, could not have been regarded as adequate to our present or prospective educational wants, by the framers of the Constitution, and therefore they must have contemplated taxes as furnishing the basis of the support of our common schools. The income of the permanent funds might indeed be a graceful and acceptable complement to the avails of a general tax for tuition purposes, but the mere interest of those funds would be totally inadequate to our necessities.

That they never entertained any other idea in relation to the means of support, than that the avails of a general tax on the property and polls of the State, should constitute the basis, and the interest of the permanent funds be regarded as a mere supplement, is manifest from the consolidation of the school funds. They well knew, when the consolidation feature was introduced into the Constitution, that a large portion of those school funds were *trust funds*, and they guarantied the inviolability of such funds by an article subsequently introduced into the same educational chapter. How could an educational system be regarded as general an uniform when its provisions were so grossly inadequate and shamefully unequal, as these funds unsupplemented by a tax must necessarily prove? Why be so particular that the principle should be general, if the amount distributed were but a contemptible pittance, or at best, but a modicum of what our necessities demanded? Why insist upon uniformity, when educational famine were to be the result of constitution legislation on the subject, as must inevitably be the case on the pecuniary basis of merely these funds?

Consolidation involves equalization. More than *two-thirds* of the productive school funds, when the constitution was adopted, were *trust funds* that could not be disturbed, and the proportion remains the same to the present day. On the supposition that the one-third common funds would not be sufficient to affect an equalization, how could the requisitions of the constitution be carried out without a tax; and what avail would any tax be to remedy the difficulty, if the proceeds of said tax were distributed in the counties in which they had been collected, according to the favorite notions of some at the present day? Consistency would require that they should not stop at a county line, for that basis of distribution would often involve as gross and palpable injustice to townships, as the State apportionment does to counties.

The township basis of apportionment would also frequently prove as disastrous and unjust to the districts as the county basis would to the township. Nor would justice permit those, who

have started on this inclined plane of selfishness, to arrest the car of reform till every dollar of said tax had reached the individual pocket whence it had been drawn.

The consolidation of permanent funds not only implies equalition, but, without the supplementary means arising from the proceeds of a tax, it would involve results that need only to be shown to demonstrate that the constitution imperiously demands the levy of a school tax, whose proceeds, combined with the interest of the permanent funds, would furnish tuition for the masses a period corresponding in some good degree to their wants. There are congressional townships in the State whose school section funds are sufficient to sustain a school seven or eight months in the year. While constitutional equalization cannot bring them down from their high position, does it not contemplate the elevation of the less favored masses to the enjoyment of like educational privileges?

Why does the constitution expressly forbid special legislation on the subject of education? Is it not for the purpose of guarding against unequal distribution of educational privileges? Experience had taaght the framers of that fundamental law that some portions of the State would, under the sanction of local enactments, provide ample means for a six or eight months school every year; while others, from the failure of the State to furnish adequate funds, and from their own penuriousness, would leave their youth without suitable means for instruction.

Did they intend, by that prohibition, to bring all down to the same dead level of educational stagnation and death? Is it not more reasonable to suppose that they designed to employ that local zeal and public spirit, as an instrument of ultimately elevating the whole mass to a juster appreciation of the value and economy of a liberal system, and to secure to the entire youth of the State the privileges that some localities would enjoy under the shield of a local statute. If the foregoing exposition exhibits the true animus of our fundamental law, then it is evident that we must look elsewhere for the true cause of the bitter disappointment of our educational hopes. It is evident that from the aforesaid comments that our constitution embodies the true principles which need only to be carried out in correspondingly wise and efficient legislation to produce the happiest results. That the adoption of the new constitution by the people of Indiana was an emphatic endorsement and unquestionable sanction of its educational principles, as thus explained, may be justly inferred from the promptness and liberality with which they have, in their subordinate corporate capacity, met their share of the expense incident to its successful operation.

Would they have so cheerfully and generously assessed themselves for three years to erect school houses, had they supposed that the State was not pledged to furnish adequate tuition, or

that, being thus committed to a liberal educational policy she would not redeem her constitutional obligations? Its bill of rights is a no more reliable guaranty of personal freedom, than its educational principles are a solemn pledge to the people of Indiana that their children shall enjoy the appropriate means and opportunities for an education. That the people so understood these principles is manifest from the fact that their action in the premises, hitherto, has been in harmony with the above construction, but inconsistent and totally irreconcilable with any other exposition.

LEGISLATIVE ACTION.

Whether this action has been in accordance with the obvious import of the language of our fundamental law, has fully embodied its spirit and met the expectations of the people and the wants of the youth, will be best determined by a brief review of our educational code. The system embodied in the statute of 1852 was far from being as complete and systematical in its details, or as liberal in its provision of funds and supervision, as the friends of education desired, but it was the best, however, that the legislature of that year had the wisdom and firmness to enact. It essential elements are sound, and its prominent features correct, but the efficiency of the system as a whole, was sadly marred, and its capacity for good was lamentably curtailed by the excisions that the original bill experienced before it became a legal statue. The union of State and township tax for tuition purposes was not only a disturbing element, bringing the statute into conflict with the constitution, but its incorporation into our educational code betrayed a disposition, on the part of the advocates of that feature, either to ignore or repudiate one of the essential principles of the constitution. The guaranty that our school system shall be *general and uniform* is most emphatically one of the pillars of its strength and excellence that is but imperfectly appreciated, and in fact its crowning glory. Around this rock the billows of ignorance and selfishness have dashed and still continue to roll their angry surges. On this basis, immovable as the constitution in which this principle is imbedded, will ultimately rise a structure within whose ample courts and beneath whose spacious dome the youth of this commonwealth shall yet be trained to a noble mission. This unconstitutional partnership was not only a fatal step, entailing disaster and disappointment, but it also subjected the body giving it a place among the provisions of our educational statute, to the imputation from a high source of having "shirked their duty." The law of 1852, at its best estate, can claim to be little else than a mere skeleton of the educational code that the constitution contemplates, nay demands at the hands of the legislature. The

bones need to be clothed with brawny muscles and wiry sinews. The system requires a heart of capacious size and corresponding power, sending the life currents to the very extremities at every pulsation. When thus vitalized and traversed with a net-work of nerves, promptly reporting to the brain the existence of disease or the approach of danger, the symptoms of plethora or paralysis threatening any vital organ, it may be termed a living organism fitted for its appropriate mission. One year's experience suggested the necessity of divers amendments, and the developments of the two succeeding years brought to light additional infelicities, oversights, blunders and omissions, calling loudly for correction.

Some abuses were redressed, some omissions supplied, and minor corrections incorporated into the revised statute of 1855. Had the more important recommendations contained in the report of the Superintendent of Public Instruction of 1855, been incorporated into the revised law of that year, the school system would have borne a more kindred likeness to the model originally sketched by some who drafted the educational portion of the constitution, and accomplished a more efficient work. Had the aforesaid suggestions been heeded in 1855 there would have been no occasion for their reiteration in 1857, nor would the Superintendent's report of 1858 been made of judicial decisions, and supplemented with doleful utterances and ominous predictions.

The fatal mistake of that legislature was the failure to meet the duty constitutionally devolved on it, to provide adequate funds for a six month school for the rural masses. Had this been done and the library tax reduced to a tenth of a mill on the dollar and a dime on the poll, been made a permanent levy, or extended to a period of five years, we should not have been dishonored by such an exhibit of educational assets as graced the sixth report from the Department of Public Instruction. Had the legislature of 1857 given the revised law of 1855 a thorough revision in accordance with the facts and figures submitted to their consideration, we should not have been met in 1859 with the startling fact that the *abstractions from the current school funds* for the *last four years amonnt to* $186,861 64. It is no wonder the educational field has suffered severely, when so large a share of the water destined to its irrigation, has been clandestinely turned off to assauge the drouth of the unplowed field of State expenditure. Had that crevasse been closed with a semi-annual apportionment of the school funds, as was suggested by the Superintendent in 1857, the head of the department would have had no occasion to say as he does in the report of 1858. "Over this matter the Superintendent has no more control than he has over the revenues of Russia." No small share of the responsibility of the present condition of the educational interests of this

commonwealth rests on the last Legislature. If the will of the people, as indicated by facts and figures, and results, which no demagogical ingenuity can successfully distort, is a reliable motive power in legislation, then we may hope soon to see some substantial progress. The evidence that it is the wish of the masses that our educational funds should be commensurate with the extent of our wants, will be exhibited in connection with the discussion of another topic, but here it may justly be remarked that while repudiation of our foreign obligations would find few or no advocates among the masses, it does not, therefore, follow that they approve of the appropriation of funds raised for another and altogether different and sacred purpose, to the liquidation of foreign claims, however just they may be. Let not legislative delinquency to make the proper provision to meet the State indebtedness to its foreign creditors be concealed or remedied by abstracting from sources so sacred as current educational funds. Let it be fearlessly shown where the responsibility of past failures and present depression truly belongs. Let the people know why their current school funds have been decimated for the last four years, even after they reached the State Treasury. Let them see that these leaks have been pointed out, and legislative aid invoked in vain to arrest them. Let the wheels of government stop, if the only body charged with the responsibility of furnishing the means to keep them revolving will not exercise that power. It is time that that policy was abandoned, which seeking to commend its advocates to popular favor under the guise of economy, makes inadequate provision for the necessities of the State in its fiscal and educational departments. This is the true origin of the evil and the real cause of the present embarrassed condition of the commonwealth. This repeated abstraction from one fund to supply the deficiencies of another is not so much a matter of choice as of sheer necessity on the part of the fiscal officers of the State. Remove the cause and the effects so embarrassing and provoking will cease. Such legislative antecedents are very significant and suggestive, indicating the nature and extent of past errors and oversights, and also the necessity of prompt and efficient correction. The lapse of seven years since the adoption of the revised constitution does not find us so far advanced in educational progress as we ought to have been, nor so far as we would have been, had wiser counsels prevailed at the outset of our educational career. A seven years' course under the stern discipline and costly tuition of experience ought to prepare us, as a State, for wise and efficient action in the future. Though we have much to regret in many respects, yet we are not without sources of comfort and encouragement. The path of legislation has at length been so clearly indicated by the teachings of experience and the light of judicial decisions, that we need not

any longer err therein. The educational principles of the constitution are now clearly defined and definitely understood. The State is responsible for the tuition and the municipal corporations for the structures. The latter can display their liberality and good taste in the erection of school houses without hindrance, and the former must fulfill her obligations to the masses to an extent adequate to their obvious necessities. It would seem that the legislature could be at no loss to ascertain its constitutional duty to provide by law adequate means for the tuition of the masses, when the local corporations have so nobly redeemed their obligations to erect the school houses, and have manifested a disposition to leave no claim in that direction unmet. The Superintendent's reports for 1856, '57 and '58 exhibit the evidence that municipal corporations annually assessed themselves through their trustees for building purposes in 1855, '56 and '57, from *one* to *seven* mills on the dollar, and from *twenty* to *fifty* cents on the poll, and the aggregate amount of said assessments is $1,088,267 75. The aforesaid reports also show that *eighteen hundred and ninety-two houses* were erected in three years.

The report for this year will doubtless largely swell the aggregate number of houses erected and the amount of assessments for this purpose. Can it be reasonably supposed that people who have assessed themselves so generously for building school houses have done it with the expectation that only a *three months' free school* will be annually taught in their houses? Can any legislator believe that such communities will thank the law-making power for such a pitiful redemption of the educational pledge of the constitution, or that a people who have paid from two to five mills on the dollar for houses would be unwilling to pay a two mill levy on the dollar to secure a six or seven months' free school annually? A more significant response in the premises could not be desired or given than is found in their action as set forth above. Nay more—that action fully authorizes the assertion that the people of Indiana demand of the Legislature of 1859 such an educational levy as will insure a six or seven months' school, and justifies the belief that they would cheerfully pay it. They know full well that educational wants cannot be met without adequate means, and, as they are constitutionally restrained from furnishing them in their corporate capacity, they look to their legislative servants for the necessary relief. Shall it be granted, or will it be withheld on the plea that the levy for State purposes will be so great that it would be impolitic to increase the school tax even a single mill? Shall our foreign obligations be honored at any expense and our home educational claims be still longer most shamefully dishonored? On what principle of equity, or indeed of economy, are foreign bankers to be preferred creditors to our own children? Is it that we may

annually proclaim in Wall street that Indiana is a nonrepudiating commonwealth—walk in broadcloth on the exchange and in rags at the school house? Is it good economy, either domestic or political, to vacate the school houses nine months in the year, and appropriate three-fourths of the year to replenishing our jails and filling our penitentiary to the overflow? If we are too poor to meet all just claims against us, then let us make an assignment for the equal benefit of all our creditors, and not rob the orphan of his annual educational installment to pay the semi-annual interest on our bonds. But there is no necessity for us to resort to any such schemes of liquidation, for we have both the means and the disposition to do justice to all. Let the Legislature make statutory provision for a prompt and full payment of all the aforesaid claims, and the people will honor both the authors of the statute and its pecuniary demands.

Is it doubted? Let the experiment be made, and the experience of two years will settle the question. If it is a mistake it will only be another turn in the seven years' series now demanding correction; should it happily disappoint the forebodings of the fearful and the predictions of its enemies, and fully accomplish the purpose contemplated, we can all rejoice together over the result.

JUDICIAL DECISIONS.

The wisdom of the Supreme Court has been repeatedly invoked by individuals and corporations to settle questions that have arisen on the constitutionality of various provisions of our school code. Decisions on the points submitted have been promptly rendered, sustained by reasons and arguments that few, on careful reading, will feel any disposition to question. These six decisions may be grouped under three heads, *consolidation*, *local taxation* and *equalization*. A brief statement of the character of these several decisions, and their true bearing on the school system, will show that there is far less cause for the fears that have been expressed of their adverse influence, and much less reason for the censure that has been cast on these utterances of the court. The first suit was brought by Springfield township, in Franklin county, to test the constitutionality of the consolidation element of the School Law of 1852.

It was pronounced unconstitutional, because it impaired vested rights, and was in conflict with the constitutional guaranty that "all trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created."

This decision wrought no damage to the system, nor did it impair, in the slightest degree, its efficiency—for, while it secured to the people of the Congressional townships the sole and ex-

clusive enjoyment of their educational patrimony, it did not intimate the existence of any constitutional impediment in the way of an equitable equalization of the inequalities created by said decision. It was no adverse utterance, for it determined nothing in reference to the ultimate purpose and intent of the law, beyond the simple fact that the statute of 1852 mistook merely the *method* and not the *principle* of consolidation contemplated in the constitution.

The next suit was brought by Alexander Black, of Greencastle township, Putnam county, to test the constitutionality of the provision of the School Law of 1852 authorizing a township tax to build school houses and "*continue the schools after public money was expended.*" This provision was pronounced at variance with the spirit and intent of the constitution, because it destroyed that uniformity of amount and source of support of free schools contemplated in the constitution, by uniting State and municipal assessment for tuition purposes.

This decision nominally settled but one of the points involved in the suit, leaving it to be inferred that the other was in harmony with the constitution. Local taxation for tuition was pronounced unconstitutional, and corporation assessment for building purposes was, at least, inferentially declared consonant with the fundamental law.

So far from being really and permanently adverse to the establishment and success of an equitable and efficient system of free schools, this decision may, with great propriety, be regarded as altogether favorable to the enterprise; for it arrested at once, and at the very outset of our educational career, all legislative attempts to relieve the State from the necessity of doing her whole duty to her youth, and redeeming the educational pledges so manifestly embodied in the constitution. It also threw back on the Legislature the responsibility of meeting its duty to provide by law adequate means to sustain schools a sufficient period to insure the proper training of the masses of our youth, and shut up that body to the necessity of laying the whole burden of expense for tuition on the property and polls of the Commonwealth. Although that decision temporarily arrested the erection of school houses, and for the moment created the impression that it would prove a fatal blow to our educational hopes, yet the experience of subsequent years abundantly shows that no real and permanent injury was done by the distinction drawn between corporation taxation for *tuition* and like assessments for building purposes, pronouncing the former in conflict with the fundamental law, and leaving the latter virtually unquestioned. The practical result of this action of the court was that the Legislature of 1855 recognized the principle underlaying this decision, and conformed the revision of the School Law to its demands; and the people, in their municipal capacity, during

the next three years, assessed themselves, as has already been stated, no less than $1,088,261 75 for school house erection, and reported, in the aforesaid period, the completion of *eighteen hundred and ninety-two* such structures.

The next two suits were brought by Whitewater and Springfield townships, in Franklin county, to test the equalization provision of the Revised School Law of 1855. The two cases were substantially one in purpose and result, for the two townships claimed their *pro rata* share of the common fund, irrespective of the income of their special funds, the annual proceeds of which, in one of them, furnished a *per capita* apportionment of $1 67 per scholar that year, when the general apportionment was only $0 64.8 per scholar. The decision of the court was the same in both cases, affirming the constitutionality of the equalization feature of the revised statute, thus showing that the court, while it protected vested rights, would also, with like firmness and impartiality, enforce the claims of equity.

The fifth case had its origin in Mound township, Warren county, and was brought by Adamson to recover the amount of tax paid for building school houses. The Greencastle suit really involved two points, viz: The power of a township to levy taxes for tuition and for building purposes. In the decision of that case, the court confined its utterance to the first point, nominally leaving the other undecided. But the train of reasoning employed to sustain their decision on the first point virtually involved the issue of the second, and left but little or no doubt in the public mind that while taxation for *tuition* was manifestly unconstitutional, assessment for *building purposes* was in perfect harmony with the fundamental law. So strong was this conviction that it was generally considered unnecessary to raise the question on the second. The Warren county suit, however, brought the question before the court and called for a distinct and definite utterance. The decision rendered in this case shows that the court regarded the point as virtually settled by their decision in the Greencastle case, and refer to the principles there set forth demonstrating that the uniformity enjoined by the constitution is limited to *tuition*, and "does not reach to the subject of taxes for building school houses." The practical bearing of this decision on the welfare of the school system may be seen in the facts already stated, many of them being already "fixed," even in advance of the formal utterance of the court, the legitimate results of a previous inferential construction placed on the decision in the Greencastle case.

The sixth and last suit was brought by Jenners, of Lafayette, in Tippecanoe county, to test the validity of municipal assessment of taxes for tuition, authorized by the supplementary act of 1855, investing cities and incorporated towns with the power to levy corporation taxes to supplement their educational funds.

The decision of the court was adverse to the aforesaid statute, and is regarded by many as foreboding nothing but disaster and disappointment. Is this apprehension well founded? and is this decision susceptible no construction that will dispel the gloomy forebodings that it has awakened? are questions that demand an immediate and candid consideration. It is evident, from the slightest examination of the case, that the principles on which the decision rests, and the reasoning employed to sustain the position assumed, clearly show that it is nothing else than a virtual reiteration of the court's utterance in the Greencastle case. If so, then it is no more ruinous or fatal to the efficiency and success of the system than that decision. It merely places towns and cities on the same footing with rural townships in respect to tuition funds. It is in harmony with their previous educational decisions, and in perfect consonance with the views that the court seems to have taken of the spirit and import of the educational provision of the constitution from the very outset. What these views are may be clearly seen from the general scope and tenor of the aforesaid six decisions; and that they are, in the court's estimation, capable of being embodied in a general and efficient system, may be inferred from the following suggestive remark, occurring in their second decision: "We can easily conceive of a constitutional system which would work no injustice to any one."

The beau ideal of a constitutional system thus shadowed forth, and evidently controlling their educational decisions, seems to be simply this: The State must place within the reach of the masses of her youth the means of a suitable character and sufficient extent to meet their educational necessities. She must determine the extent of her constitutional obligations in this direction and settle the limits of her pledges in the premises. Having fixed the average length of schools that she will provide for the masses of her children and furnish the requisite funds to sustain them for that length of time, by a general and uniform tax on the property and polls, she has accomplished her educational mission. This the court evidently regards as her imperative duty, and till she has done it, considers the constitution as absolutely prohibiting any local supplement of tuition, tolerating no deviation in search of municipal aid, countenancing no legislative short-comings, and authorizing no devices to eke out deficient funds through unauthorized partners. If this be the true exposition of the court's conception of the educational requisition of the constitution, then it follows as a legitimate conclusion, that when the Legislature has made suitable provisions for the masses, the court will not feel constrained nor disposed to interpose any barrier restricting corporations, whether townships or cities, from supplying local deficiencies growing out of the imperfections of the general system, by municipal assess-

ments. Had the constitution specified seven months in the year and pledged the State, in her corporate capacity, to furnish the requisite tuition and sustain free schools in her rural districts, on an average that length of time, then it is obvious that the commonwealth would be bound to go no further in her provision of tuition, and could legitimately authorize her citizens, in their municipal capacity, to supplement their educational funds to meet their own ideas of the measure of their remaining necessities.

We do not conceive that the constitutional prohibition of local laws "for supporting common schools," was designed in the slightest degree as a restriction in this direction, but was intended solely to guard the Legislature against substituting local for general provision, and thus perpetuating a policy that had proved so disastrous in our former experience. It prohibits reliance on local means of support as a basis, in distinction from general provision, and therefore has no appropriate application to supplementary provision, rendered necessary by the imperfection of a general system which, while it makes ample and satisfactory provision for the masses of the citizens, leaves certain localities far short of equality with the majority, and still farther short of the limits of their real wants. Nor can schools thus supplemented in length be regarded as beyond the control or supervision of the State, for the pupils are under the same teachers, and the schools are under the charge of the same officers, and are reported to the Superintendent of Instruction just the same as though there had been no municipal supplement of tuition. If such be substantially the view entertained by the court, of the educational responsibilities of Indiana under her present constitution, and their decisions hitherto have received their complexion from this source, then it is evident that their position is sound, consistent and intelligible, one that the people and their legislative servants can readily understand and appreciate. Any such collateral aid as the supplementary act to the Revised School Law of 1855 was intended to furnish, must, in the very nature of the case, be unconstitutional, and continue so till the State, through its Legislature, has defined the limits of its constitutional obligations in the premises, and conformed its school system to that standard. When this has been done, and not till then, can substantial and adequate relief be furnished towns. cities and sparsely settled portions of rural districts.

If the foregoing remarks and suggestions contain a correct exposition of the true import and bearing of the aforesaid six decisions of the Supreme Court, then it is evident that these utterances have thrown no impediments in the way of our perfecting our educational system, making it all we need or could reasonably desire; and that the responsibility of an subsequent disappointment will not rest on the judiciary. The hardship of

our present condition is pecular, and calls for prompt and efficient relief. The hands of all local corporations are tied, and municipal power is overshadowed by the State authority. If the latter would but do her duty the former would be at liberty to act as the circumstances seem to dictate. If the Legislature would define the limit of the State's obligation to her youth, and make our school code conform to that limitation, then deficiencies could be supplied without any conflict with the fundamental law. When the people have redeemed their constitutional pledges in a given case, they cannot be legitimately restrained in the enjoyment of those rights, and in the exercise of that undelegated power which lie back of constitutions and must to a greater or less extent control human action. That power and those rights, held in obeyance only till some paramount obligation of a temporary and limited character is met, resume their unquestioned sway and demand free scope in any other direction that human wants may require their exercise. No finite wisdom or sagacity can, by general statute, secure perfect uniformity of schools in a State composed of a rural population and municipal masses. In the very nature of the case two portions of its youth will fall materially short of the general average of the State provision, for the simple reason that schools in towns and cities cost more for instruction than those of like numbers in the country, and therefore on a per capita basis of distribution of school funds, their means will not secure to them a period of instruction equal to that enjoyed by their rural compeers. The other portion, that will come short of the general average, is the youth in sparsely settled townships. How shall such deficiencies be supplied and this lack of uniformity be most effectually remedied? In no way so satisfactorily as by the establishment of a liberal standard and a faithful working up to it. All are interested in the adoption of a generous scale and a rigid adherence to its demands, and none so much so as those whose educational patrimony is curtailed in the manner above indicated.

These evils and infelicities incident to human imperfections cannot be more effectually remedied than in the manner already indicated on a previous page. More justice would demand that the State, after she has done her duty to the masses, if the general system, in its legitimate operation, fails to place a portion of her citizens on an equality with the large majority, should, by a general statute, authorize her corporations to assess themselves to make up said deficiencies.

It is the most economical method, for the concentration of wealth in our large town and cities is much greater in proportion to the population than in the rural districts, and consequently the rate of assessment, for raising a given sum, would be much less on the dollar in the former than in the latter. The

same is likewise true, to a certain extent, in the townships of sparse population, and therefore the levy on the property of the scattered few in such localities will be comparatively light, from the fact that the whole real estate of the corporation will be subject to its due proportion of the levy, and also non-residents will be made to contribute to an object of such general interest, and thus the burden of actual settlers be vastly less than it would be on the rate bill basis, or the private school supplement. In conclusion, it may be remarked, in the language of the court, that "the law conferring the authority to tax must be general, not special; but the exercise of the power need not be uniform throughout the State." Such a constitutional statute is all that our educational necessities require to remedy difficulties unreached by the general system. All the corporations will be at liberty to use the power, if their necessities require it, while the exercise of that liberty will be entirely optional, and its burdens be *self-imposed*.

The foregoing exhibit of our educational antecedents, constitutional, legislative and judicial, shows most conclusively that the time has come for legislation of a wiser and more efficient character than has marked the last four years. The school code should not be permitted to go unrevised any longer, nor the educational pledges of the constitution be suffered to remain for another two years unredeemed.

The suggestions that have come from the Department of Public Instruction, from time to time, combined with the experience and facts that may be gathered from other sources, are sufficient to indicate the character and extent of the revision. We have suffered enough already to forbid an further postponement. If educational facilities adequate to our wants are not provided, then the intellectual and moral development of the rising generation must suffer. If Free Schools are not made what they ought to be in length, they will never become what they might be in character. The zeal and interest now enlisted in behalf of their improvement, if not fostered and encouraged by appropriate legislation, will be diverted into channels of private enterprise, and both the cause and the commonwealth will lose the benefit of their co-operative aid. Nothing could be more suicidal than the policy of the State for the last four years.

If the Legislature will not make provision for prolonged tuition in the Free Schools, they will be compelled to enlarge the Penitentiary accommodations, and supplement them with Houses of Refuge in every Congressional District. If schools are not rendered efficient, haunts of vice will multiply in number, attractive power, and fatal results. Has there not been a manifest and alarming increase of crime, both juvenile and adult, within the last four years? Has not villainy grown bold, defiant, and successful, in proportion to the diminution of its restraints and

the increase of its nurseries? Why is our Penitentiary, at the present time, so flourishing and full to the overflow, and demanding a duplicate? Why is there such a demand for Houses of Refuge, for the reformation of juvenile offenders; and why are there such crowds of candidates for the corrective training of such institutions to be found in all our large towns and cities? It will cost far more annually to reform one vicious lad, even if the experiment should be successful—and it must be confessed that the chances are rather against than in favor of the desired result—than it will to pay the six months tuition of fifty boys in the free schools. A given number of dollars will express the cost of the latter, but no moneyed exponent can represent the real expense of the former. Effects, whether good or bad, will suggest their appropriate causes, and force themselves on the notice and attention of society. If, reckless of the lessons of experience, individuals or communities sow the dragon's teeth of neglect, they may confidently expect that a luxuriant harvest of crime will soon be ready for the sickle of justice.

The accumulated developments of juvenile delinquency and crime during the past few years are certainly worthy of consideration, and naturally awaken the apprehension that there is a more intimate connection between these results and our educational delinquencies, than would be flattering to our State pride to admit. The impulsive power of both hope and fear urges us, as a State, to prompt and vigorous action. There is certainly ground enough for the former to encourage effort; and there is also cause sufficient for the latter to warn of the peril of neglect.

The revision called for is simple and obvious. There is no need of any radical change in the fundamental principles of the system. These are sound and sufficiently tested to demonstrate their wisdom and practicability. The prominent features of the code are understood and appreciated, and the people have become accustomed, in a good degree, to the working of the machinery.

It would be disastrous in the extreme to disturb the essential elements of the system. The friction will become less and less every year, as the people perceive the wisdom of placing it under the charge of men competent to superintend its movements. The machinery is indeed to delicate to be entrusted to ignorant men; and the raw material is certainly too valuable to be committed to those who neither comprehend the nature of the process through which it must be carried, nor to appreciate the value of the fabric into which it is converted.

The motive power is more deficient than the machinery. Let the former be doubled and the latter receive some slight alterations, and the results will demonstrate the wisdom of the suggested improvements. What do we need, and how can our ne-

cessities be met, are questions to whose solution a few suggestions will now be directed.

A SEVEN MONTHS' SCHOOL.

In the first place, we need a seven months' school annually in the rural portions of the State, which probably embrace nine-tenths of the population. Any period substantially short of that would neither meet our real wants nor satisfy the rural masses of our citizens. The amount of tuition would probably be as much as the majority of the people would find it consistent, with the nature of their employment, to give their children. Let the character of the instruction given for that period be of the proper standard and there will be little or no necessity for prolonging the time.

Better improve the quality of the tuition for seven months than seek merely to increase the time of instruction in the aforesaid portions of the State. What is necessary to secure for our youth the enjoyment of such a blessing? School houses and tuition. The townships have provided the former with a promptness and liberality that fully authorizes the belief that they would cheerfully bear any burden that legislation might impose on them to secure the instruction of their children.

Restricted by the fundamental law from exercising in their corporate capacity the powers of asessment for tuition, they have virtually said to the Legislature, gives us the means for a seven months' school, on an average, every year. This is our constitutional right. Such a term of instruction *we would have provided* if the constitution had not transferred the authority from the townships to the State. When we built our school houses we expected them to be occupied not less than seven months in the year. We assessed ourselves from *two* to *seven* mills on the dollar annually for their erection, with the full and confident expectation that the Legislature would make provision for an annual period of instruction not less than seven months. Shall our hopes and expectations be disappointed? Shall the school houses, by their neatness, position and finish, bespeak the township's liberality and appreciation of the value of education, and, by their closed doors and unoccupied seats, demonstrate the Legislature's want of firmness to meet their obligations, and reckless disregard of our wants and wishes?

EXPENSE OF A SEVEN MONTHS' SCHOOL.

The conviction that any numerical statement carries with it, depends, in no slight degree, on the character of the elements from which it has been derived. As there is no interest in deceiving, or being deceived in this matter, the sources whence

the data are derived, and the character of the calculations that may follow, will be indicated so that every one may judge of the nature and reliability of the basis on which the deductions and conclusions may rest. Assent to no point is sought or desired for which reliable documentary evidence cannot be produced.

We have two classes of school funds, known by terms that indicate the mode of their distribution, viz: *common* and *special*. The latter is applied to the avails of the sale of the school sections, which, by the first school decision of the Supreme Court, is under the sole and exclusive control of the people of the congressional township. The former embraces those funds to which all have a common right—subject, however, according to the third and fourth decisions of the court, to a distribution that will equalize the inequalities of the special funds. The great diversity exhibited in the results of the sales of the school sections in forty-eight counties, may be seen in a tabular exhibit of said sales, found on pages 129 and 130 of the fifth report of the department of public instruction. The aggregate of the sections sold may also be found on page 128 of the same document, and the amount of interest paid on both common and special funds may be seen in the same table. The report of the Sinking Fund Commissioners for 1858 shows that there is now on hand, over and above all the liabilities of that fund, a surplus of $2,780,604, which becomes available school funds on the payment of the bank bonds. If the Legislature order the redemption of these bonds next year, the aforesaid balance becomes at once a productive fund. Whatever may be their action in respect to the time of the redemption of the bonds, there can be no good reason why the *interest on that surplus* should not be annually added to the current school funds, rather than be employed to swell the fund, which, on the adoption of that policy, would not be available till 1866. It cannot be plead that it would either imperil the payment of the bonds or embarrass the Commissioners in the management of the trust; for the whole fund, amounting to $3,335,659, would be at their command for the redemption of the bonds at maturity, now amounting to only $979,000; nor could it perplex the board, for it would be far less trouble for them to pay the interest to the current school fund than to invest the amount, thereby increasing their responsibilities. Another very weighty consideration in favor of the adoption of the policy suggested is, that if not adopted it will debar *seven-sixteenth of a whole generation* of school children from any participation in the benefits of the fund.

Why should that portion of the 460,827 children reported last year be *excluded* from the enjoyment of any portion of that fund? The invested school funds are loaned at seven per cent., payable in advance, netting six and ninety-five hundredths per

cent. for educational appropriation. As the avails of the property and poll tax and the net income of the common fund are paid into the State Treasury, and so apportioned as to equalize inequalities produced by the special fund, we can arrive at the amount appropriated to tuition in any one year by adding the net amount of interest paid on the special fund to the sum total distributed by the Superintendent's apportionment.

The results reached by the funds thus appropriated to tuition, as far as the period of instruction is concerned, can be ascertained by the report of the average length of schools taught during the year. It is from that reported average that we procure the requisite data to ascertain the expense of a three months' school. The Superintendent's Fifth Report furnishes full and satisfactory statistics on this point, and shows that the general average for that year was three and three-hundredths of a month. The pecuniary basis on which these schools were taught was the apportionment of the previous year, which was *sixty-four cents and eight mills*. A comparison of the amounts paid for education, as reported in 1856 and 1857, shows conclusively that more than *four-fifths* of the townships had adopted the policy recommended in the Superintendent's Fourth Report, page 104, and that the schools reported in 1856 were generally sustained by funds apportioned on the basis of $0 64.8, and not on the 75 cents' apportionment of the following year. But, to give ample margin, admit that half of the townships anticipated their funds; that is, engaged to pay the teachers of their winter schools from the apportionment to be received in the following June.

The average of the two apportionments would be $0 69.9, which, for convenience sake, we will call seventy cents. The average length of schools for that year, through the State, was three months and three hundredths of a month. The general average would be slightly increased by the prolonged term of schools in some of the large towns and cities; but a careful analysis of the averages of the several counties will show that the *fifteen* towns and cities reporting more than a three months' school would not, probably, affect the general average of the six hundred and ninety townships, whose averages are reported, more than the three-hundredth excess over three months. Then we have an average of three months' school for the whole State, on the basis of a seventy cents' apportionment of common funds and twenty-six and a half cents of special funds—the net amount of interest on this fund being equal, on a general distribution, to that sum per scholar.

The schools of Indiana that year were sustained for three months at the average expense of *ninety-six and a half cents* per scholar. But, for the purpose of removing all ground for cavil and skepticism in the premises, we will grant that the schools were taught on the pecuniary basis of *one dollar* per scholar.

According to this data, a seven months' school, on an average, for the State, would cost *two dollars and thirty-three cents* per scholar. As the ratio of increase of property is greater than that of the population, we may, therefore, take the number of children of any year as a basis. The distribution of school funds last May was made on the basis of the number of children reported the previous October, which was 460,827. These could, on the aforesaid average basis, have been taught seven months for $1,075,263. Here the episodical remark may be thrown in that the average annual increase of school children, as reported during the last four years, is only 3,740, indicative of a much smaller general increase of population than is generally supposed.

The ways and means of raising this amount will now be demonstrated.

The real estate of this Commonwealth has not been revalued since 1850, and therefore its re-appraisement will greatly increase the aggregate basis on which our taxes will hereafter be assessed. The amount of property, real and personal, reported in 1851 as the result of that valuation, was $210,973,643. The estimated amount given in the Auditor's Report for 1858 is $325,000,000, showing that the increase during eight years is no less than $124,026,357, being more than $15,000,000 annually, on an average. It must not be forgotten that this increase has been almost exclusively on the personal property, slightly modified by the lands purchased and improved since the above date. The foregoing exhibit of increase of the *personal property* fully authorizes the belief that the aggregate valuation, on re-appraisement, of the *real estate*, increased as it has been since that date by the construction of 2,000 miles of railroad, now in actual running order, will not fall short of $400,000,000, but even largely exceed that amount. The number of polls is estimated by the Auditor at 200,000. If the assessment be *two* mills on the dollar, instead of *one*, the present levy, and the present poll tax of fifty cents, the amount would be $800,000 on the property and $100,000 on the polls, footing up an aggregate of $900,000. The net proceeds, according to the Auditor's estimated deduction for delinquencies, twenty per cent., and cost of collection, five per cent., would be $680,000. The gross amount of interest collected in 1856, as exhibited in the Fifth Report, page 128, was (special fund, $128,051, common fund, $61,378,) $189,429, the net proceeds of which (five per cent. for collection and disbursement) would be $179,958. Should the $2,780,604 surplus of Sinking Fund be loaned at the same rate of interest, subject to a similar per cent. deduction, the net proceeds would be $184,910.

The foregoing results are as follows:

Net proceeds of taxes	$680,000
Net proceeds of interest on funds	364,868
Total	$1,044,868
Cost of seven months' school	$1,075,263
Net means at command	1,044,868
Deficit	$30,395

More than two-thirds of the amount of this deficit would be saved by converting all our school funds into an irredeemable State debt, after the example of Ohio. A full presentation of this fiscal policy will be found in a subsequent part of these suggestions.

The proposed assessment will not be burdensome to any of our citizens, for it is only *one* mill in addition to the present levy for the same purpose; and according to the tabular exhibit of tax-payers, found on page 128 of the Superintendent's Fifth Report, nearly five-ninths of the tax-payers would find their school tax increased only from *one cent to fifty cents*, and almost three-fourths of them would pay on a one mill additional levy only from *one cent to one dollar*. The proposed assessment could be triumphantly vindicated from the stump, if any one is disposed to test its claims to his vote by that standard.

Let the people once understand these facts, and a more popular vote could not be given by a legislator; and, when understood by the masses, a more fatal vote could not be cast by any one ambitious of re-election, than the one that should curtail the children's term of tuition one-third and turn them into the street at the end of four, instead of six months. It will not only not be onerous to the citizens of the townships, but it will make the *thirty thousand* non-residents contribute a due share of the means to secure so noble an object, and bring at least $30,000,000 of foreign capital under contribution for the intellectual culture of the youth of the communities in which it has been invested. This two mill levy, under State requisition, for tuition purposes, is not as great as the self-imposed tax that hundreds of the townships have paid for the school house erection during the last four years. Look at the statistics on this point contained in the last three reports of the Superintendent, and it will be seen that the township levy in hundreds of these corporations has ranged from *two* to *seven* mills on the dollar, and from twenty to fifty cents on the poll, while some of the corporate towns and cities have gone as high as *ten* mills on the dollar. Will the people of such townships regard a two mill tax for tuition

as unwise or insufferable, when they have paid from two to three times that amount for mere educational structures? Such facts are very significant of the popular will in reference to education, and should be carefully pondered by the sovereign servants.—Let it be published to the world that Indiana, in her sovereign capacity, has provided a *seven months'* school annually for each and every one of her children, and it would do more to attract immigrants to her soil, check the emigration of her own citizens, lead business men to seek a location, and draw capital into our borders for investment, than anything the present Legislature could possibly do, even if they should duplicate the Penitentiary and provide a House of Refuge in every county in the State. Let these be furnished, if necessary, but let not a seven months' school go unprovided for any longer. The people of Pennsylvania, according to the Superintendent's last Report, paid, on an average, *three mills and three-tenths of a mill tax* for a little more than a five months' school, the school assessment varying, in the several counties, from *one* to *seven* mills on the dollar. This diversity of burden for educational purposes in the Keystone State, forcibly illustrates, by contrast, the wisdom and equity of our constitutional provision. This fact is introduced to show what we may enjoy, at far less expense, if we can ever get our constitutional rights embodied into an educational statute. Were the townships not bound hand and foot in the matter of assessment for tuition purposes, many of them would ask no favors of a Legislature, that sworn to support the Constitution, would refuse to provide, by statute, what the fundamental law of the commonwealth had most solemnly pledged to her youth, and most unequivocally required the Legislature to provide.

If our fundamental law is not an unmeaning instrument, to be construed as the whim, caprice or selfishness of those acting under it, may dictate, but is a solemn compact, into which the people of Indiana deliberately entered for their individual and associated welfare, pledging to one class protection in the enjoyment of personal rights, and guaranteeing to another, certain educational privileges, then it is too palpably evident to be questioned for a moment, that its pledge to one is no more sacred and imperative, than its guaranty to the other. If that instrument also provides for a tribunal that shall be the recognized expositor of its powers, requisitions and prohibitions, then the utterances of that court in reference to educational interests should be as sacredly regarded as its decisions in reference to the title of legislative acts.

COUNTY BOARD OF EXAMINERS.

While the pecuniary means are furnished for a seven months'

school, no appropriate instrumentalities to improve the character of the instruction and elevate the standard of the teachers' profession should be overlooked or neglected. Though we may not see fit, at present, to embark in the enterprise of training teachers, we may, and ought to protect our youth against being committed to the tuition of incompetent teachers, or subjected to the influence of instructors of immoral habits. The moment that funds are at command for a seven months' school, the demand for teachers in greater numbers and superior attainments will be created. The supply of the requisite character will, at first, necessarily be deficient, and it will require the lapse of years to fully meet our wants in that direction. Till the supply equals, in some good degree, the demand, the public will be liable to diverse and repeated impositions. Suitable protection against charlatanry should be provided, both as a matter of economy and dictate of prudence, for we neither wish to squander our funds nor waste our childrens' time.

Whether the State provides for Normal instruction or not, it is her imperative duty to hedge up the way to the school house against all incompetent teachers, whether that incompetency be moral, or literary, or both. In self-protection she should rear an insurmountable bulwark against all encroachments on these sacred precincts. This can be done no more effectually than by the creation of a Board of Examiners in each county, required to meet at stated times, conduct the examinations in a public manner, and license successful candidates, as a Board. If the Examiners are restricted, in the exercise of their functions, to associated action, and denied all power to act in their individual capacity, they will be protected against various adverse influences, and thus become more impartial and independent guardians of the educational interests of the State. They should be authorized to graduate their certificates on a scale sufficiently comprehensive to elicit merit and encourage worth.

These examinations should not only be conducted in a public manner, but on the basis of printed questions and written answers. This method of testing the candidate's knowledge would be both impartial and reliable, exempting the examiners from the imputation of favoritism and the investigation from the charge of superficiality. The minimum of correct answers to the aforesaid questions, on which a license might issue, should be specified in the statute, and thus a uniform basis be established throughout the State on which the Examiner would proceed to grant certificates. It should not be below one-third, or thirty-three per cent. of the whole. From this point up it would be easy to graduate the proposition of correct answers to entitle the author to a license to teach three, four, five, six, nine, twelve, eighteen and twenty-four months school. A certificate of the lowest grade should not be re-issued to the same individual, for

the simple reason that if its holder cannot furnish satisfactory evidence of improvement since the examination at which it was granted to entitle him to one of the next highest grade the educational interests of the State would not suffer by his temporary return to the rank and employment of a pupil. If any one claiming, under the sactions of our school code, authority to teach three months, has not the capacity nor the inclination to improve himself during said period so that he may be entitled to a certificate of a higher order, he had better be frankly told that he has mistaken his calling.

The adoption of such a policy would do more to elevate the profession of teaching in all its grades, from the primary to the high school, than any other means that can be named. On the one hand, it would detect drones, and rid the profession of many an incubus, and shield school trustees against imposition and pretense. On the other hand, it would encourage merit, stimulate effort, and develop professional talent, skill and tact, in the happiest manner. Nothing short of this, or something equivalent to it, will remedy evils both chronic and incurable on the present system of private examination by one examiner. The pecuniary means of sustaining a seven months' school on an average, in the rural portions of the State, will attract to our bodies scores of pedagogical adventurers from other States, as well as rouse the latent ambition of hundreds of like character within our own limits. Let them receive a cordial welcome, and be assured that attainments, solid and substantial, will be duly appreciated. We want good teachers, and we can get them when it is once understood that we appreciate such and will give them the preference, and that one of the features of our system is a wise and effectual method of discrimination.

A man worthy of the name of a teacher, and an honor to the profession would court rather than shun the scrutiny of such a Board. It would be a terror to the gassy and incompetent, protecting the profession against intrusion, and the school-room against vandal invasion. The experience of other States confirms the wisdom and the necessity of such a Board, and the sooner Indiana substitutes the public and thorough scrutiny of such a Board for the private examination by a single examiner the better it will be for her educational welfare.

INVESTMENT OF SCHOOL FUNDS.

The aggregate of our school funds is certainly a sum of magnificent proportions, ($2,785,358 97 already on loan in the counties, and $2,780,604 36 in the hands of the Fund Commissioners, calling for some permanent method of investment—making a total of $5,565,963 23,) well suited to awaken a deep interest in the people and the Legislature in respect to its investment.

It is due to those by whose generosity, wisdom and fidelity it has grown to its present princely dimensions, as well as to those for whose special benefit it has been provided, that no pains should be spared to devise the wisest method of investment that human experience can suggest. If a better plan than the county loan scheme should be developed and adopted for the investment of the school balance of the Sinking Fund, provision also could be made for the transfer of the common and special funds, now loaned to individuals in the counties, on its payment by present borrowers, to the new field of investment.

There are three tests to which all schemes of investment of these funds should be subjected—safety, promptness of payment of interest, and ease and economy of management. The plan that will stand this three-fold test most satisfactorily should certainly be inaugurated without hesitation.

The county loan policy, of which we have had more than thirty years' experience, possessed elements enough of insecurity to involve more than $30,000 in doubt or absolute loss, before the depreciation of its credit in this respect was arrested and restored to the par standard by an act that made every unborrowing citizen an involuntary endorser of the paper of every borrower from that fund. The county loan plan is also sadly deficient on the score of prompt payment of interest, for in 1855 the amount reported paid fell short of the sum due, on the common fund, $11,985, and in 1856 the deficit was $2,386. The average for two years was $7,135. When will $14,371 ever appear in any Superintendent's Report as the *surplus payment* of interest on the common fund? If such results occur with one-third of our permanent school funds, may we not apprehend that the other two-thirds (the special fund) may be in danger of a similar depletion? The aforesaid average deficit of $7,184 for two years, is more than *one-ninth* of the annual interest, or more than eleven per cent., which, increased by the five per cent. cost for collection and disbursement, swells the aggregate amount of deductions from the annual income to *sixteen* per cent., almost *one-sixth* of the whole. The leak in that craft is certainly too great for the comfort of the passengers. Is it said that the county is responsible for the deficit principal? Let it be shown where the county has ever made up any delinquent interest.

An irredeemable State debt is a method of investment worthy of consideration. The statute creating the obligation, and setting forth the State's indebtedness to the fund from which the money is loaned, and pledging, in the most solemn manner, the faith of the Commonwealth for the annual payment of the interest at a given time and place, in *perpetuo*, carries on its very face the evidence that it is an inextinguishable debt, and that nothing but the punctual payment of the interest is desired by the lender, and nothing beyond the annual installment of inter-

est is pledged by the borrower. On the supposition that the State should wish to convert *four or five millions* of her foreign indebtedness into an irredeemable domestic debt, thus saving State agency expense and discount, and disburse that amount of interest at home, the aforesaid statute authorizing the loan, and pledging the faith of the State for the payment of the interest, would become a band of the most public and binding character, deposited in the archives of the State Department, recorded on the statute book, found in every county clerk's office, published in every county of the Commonwealth, known and read of all her citizens. The annual interest on this obligation would be provided for as uniformly and with the same degree of certainty as the ordinary expenses and the other indebtedness of the State. There would be no repudiation of such an obligation, for the best antidote against the violation of public faith is the culture of the individual conscience and the development of the individual intellect.

Under such an arrangement the annual interest would be paid on a given day, without the deduction of a dollar, or at the expense of a dime to the funds. Were all the funds now on loan in the counties thus invested there would be no such deductions and delinquencies in the annual proceeds as the exhibit on page 128 of the Superintendent's Fifth Report furnishes the means of demonstrating. The whole fund is $2,785,358. Interest at 7 per cent. would be $194,975. The reported interest is only $189,429, showing a deficit of $5,545 46, which, increased by the five per cent. deduction for collection and disbursement on the reported amount collected, $9,471 48, becomes $15,016 94. The previous year it was more than $20,000. Such are some of the practical results of the county loan system.

Perhaps it may be said by some that the people would not consent to have their county loan offices closed and their assets converted into an inextinguishable debt, on which the State would annually pay the interest. They are, to be sure, a great accommodation to the money-borrowing portion of the community, and afford bank facilities of a very peculiar and favorable character to those in want of small sums. This side of the picture appears very well, but the reverse is a quite different thing. The counties are held responsible for the safety of the school funds loaned by their officers. What else is this loaning scheme than a county bank, with an individual liability clause on *constructive stockholders* with a vengeance? Nay more, it is a practical guarantee, on the part of the lender, of the solvency of the borrower; a perfect anomaly; a specimen of financial shrewdness without a parallel. Why should unborrowing tax-payers be made the involuntary endorsers of the paper of their borrowing neighbors? If the counties are responsible for the integrity of the funds, then the losses must be made up by a county

tax. Let the people, not one of a hundred of whom ever borrowed a dollar from that fund, look at the amount reported as lost or unsafe, and then inquire whether they wish to be taxed to make good the insolvency of any of the unfortunate borrowers of school funds. It is time that these county banks, with the people's names *constructively* attached to their notes for security, should be closed. There would be an economy, security, and a prompt and uniform payment of the interest on school funds, on the plan of an inextinguishable State debt investment, that can never be realized by the policy now in vogue.

Should the inextinguishable State debt policy be adopted, it would be well to provide for the silent extinguishment of the county loan system, by the reinvestment of all moneys paid in on these loans in the counties in the aforesaid State debt securities.

This could be done without oppressing any one of the present borrowers. In 1856 $288,775 of this fund was paid, and thus became subject to a re-loan. This was a fraction more than a *tenth* of the amount on loan. In this way it could all be silently transferred in a few years to a safer fund, productive of more satisfactory results, and ultimately all our noble School Fund would be invested in a manner that would not involve a dime's deduction from the full amount of its annual proceeds.

PROVISION FOR STATISTICS.

No one who has studied our educational systems and watched their progress can fail to see the value of educational statistics. Their worth depends on their minuteness of detail and accuracy of statement. When full and reliable they become an educational telescope, by which every friend of the cause may obtain an intelligent view of the workings of the system, the character of the annual results reached and the nature and extent of its defects. If the exact length of the schools in each township was reported we could ascertain with perfect accuracy the average length of the term of tuition the State has provided, and determine how much it fell short of the stardard period and what it would cost to provide the proper supplement. Were the number of volumes taken out of the libraries, each year, accurately reported, the Legislature would have at command the appropriate means of forming an intelligent opinion of the value of that feature of our system and the wisdom of providing for its healthy growth. If the rate of assessment on the poll and the dollar, and the aggregate of the levy for school house erection in every township in the State, where such a tax has been assessed, had been incorporated into its annual report and thus reached the department of public instruction, the report on these interesting points for the last two years would have been of a still more

significant and cheerful character. Much of the fulness and accuracy of the statistical portion of the fifth report is owing to repeated application to the auditors for information supplementary to what was found in their annual reports. Look at the reports from Adams and Vermillion counties, in the sixth report, on school house assessment and see how provoking the blanks after the rate on the poll and the dollar is stated. The officer charged with the duty of reporting statistics, whether township clerk or State Superintendent, should be deemed guilty of culpable neglect to let a report leave his office without the proper footings. How much the value of such statistical information is lessened for the want of such totals. The sixth report is sadly defective in this respect, although the auditors' reports probably are given verbatim, yet the State and the Legislature have a right to demand that such information be in an available form before it leaves the Superintendent's office. It is to be hoped that the revision will remedy this defect, and require all officers reporting statistical information to make it full and complete with accurate totals.

The section should specify the items required, and nothing short of a full exhibit of these items should be accepted from the township clerk, and a *tenth* of their apportionment should be withheld by the auditor till a report of the requisite character should be furnished, the township, having redress on its delinquent officer for the amount withheld as aforesaid. The State has the right to demand the necessary information to enable its Legislature to judge of the efficiency of the free school system, understand its excellencies and its deficiencies. An abstract of the township report should be required of the Superintendent and not be left optionary with that officer or his clerk. The Superintendent should be authorized to call for any information he may deem important to the cause in charge, and the auditors be required to furnish it after due notice. Such speciments as Shelby, Johnson, Tippecanoe, Lawrence, Fulton, Clay and Warrick counties exhibit in the sixth report, ought not to be tolerated. Let a *tenth* part of the apportionment of school funds to such counties be withheld till the requisite report is furnished, the county having legal redress for the deficit of their school funds on the delinquent auditor. Such penalties will do no harm to those who do not incur their affliction, but their enactment and prompt and rigid enforcement would soon cure the evils complained of, and show where the delinquency has its origin.

The Legislature has no official evidence as far as our report from either of the above seven counties affords it, that there has been any school taught in any of the sixty-eight townships of said counties during the year ending October, 1857, or that the youth of said townships have experienced any benefit from the

educational provisions of the State. Such official negligence needs not only to be rebuked, but corrected. Such information becomes the more necessary and desirable, as the means for making our schools what they ought to be are increased. How significant and suggestive of progress, as well as the obstacles in its way, would be a tabular exhibit of the action of the County Board of Examiners, setting forth the number examined, number rejected, number licensed, for three, four, five, six, nine, twelve, eighteen and twenty-four months. Were the number of visits paid the schools by parents, friends and school officers recorded and reported by the township clerk it would be valuable data, for like barometrical observations, they would indicate the weight of the educational atmosphere pressing on these nurseries of knowledge.

The section specifying the kind of statistics required should be full and complete, and the Superintendent should be authorized to furnish blanks as well as indicate forms for statistical reports, and forward the same the county auditor for the use of the township officers. In this way, and only in this way, can the desired information be obtained from the townships and counties.

LIBRARY FEATURE MADE PERMANENT.

Had the policy of reporting the number of volumes taken out of the township library during the year, inaugurated in 1856, been carried out the next two years, that topic in this year's report would have been of the most cheering character, convincing the Legislature that no funds, appropriated to educational purpurses, accomplished so much in proportion to the amount as the library fund. The facts found on pages 39, 40 and 41 of the fifth report, would have been quadruplicated in number and interest this year, had they been gathered up even as they were, by the Superintendent through the courtesy and co-operation of the county auditors. Is there not reason to believe that the experience of Union township, in Montgomery county, the author's residence, is substantially the experience of scores and hundreds of townships in the commonweath? The number reported as taken out in 1856 was 1,756 volumes, while in 1857 and 1858 the number taken out by old and young, the man of gray hairs, and the youth in his teens, has averaged for the two years 5,198 volumes per annum. On that librarian's record book may be found the names of our most worthy citizens. One of the most extensive adult readers of that township library was once a worthy member of the State Senate. It is to be hoped that provision will be made for the permanent but gradual growth of these libraries, and that the system will not hereafter be subjected to protracted chills of neglect, with only a semi-occasional glow

of genial culture. An assessment of a *tenth* of a mill on the dollar and a *dime* on the poll will be amply sufficient for a healthy and vigorous growth.

This tax will be but *two-fifths* of the former assessment. If the former levy for this purpose was homœpathic, the proposed assessment will be most emphatically hyper-homœpathic, seriously, if indeed sensibly, disturbing no citizen monetary possessions. This would give $20,000 on the polls and $40,000 on the property, an aggregate of $60,000, subject to a discount of twenty-five per cent. for collection and disbursement, leaving a net amount of $45,000. For the sake of economy in the distribution of the books to the counties, two years' funds had better be united in the purchase, and the books be sent to the townships in the early part of the second year, a little in anticipation of the payment of the second levy. Such an addition, stated and reliable, would, in a few years, render every township library in the commonwealth a fountain of knowledge, around which would gather thousands of youth and age to slake their thirst for knowledge and fill their cup of intellectual enjoyment. It is the best possible educational investment the Legislature could make, even in hard times.

TWO SEMI-ANNUAL APPORTIONMENTS.

The necessity of this arrangement has been abundantly demonstrated for the last five years.

The present infelicity, is, in the very nature of things, irremediable by any other method of correction than the one suggested. If an additional distribution should be made the third Monday in November of the balance of school funds in the State Treasury at the close of the fiscal year, it would obviate the difficulty, and send these thousands, hitherto locked up in the State Treasury almost a year, on their legitimate mission. There need be no actual transfer of cash from the State to the county treasuries, for the latter have on hand at that time, collections of State funds sufficient, ordinarily, to effect the proposed distribution, without any difficulty or embarrassment.

The friction in fiscal portion of the machinery for the last four years, and the ground of the dissatisfaction it has occasioned, may be best seen and appreciated from the following tabular exhibit for that period:

DISTRIBUTION, ETC.	1855.	1856.	1857.	1858.
Number of children the basis of distribution of school funds	445,856	452,258	458,355	460,827
Common fund distributed	$288,665 00	$339,881 00	$323,155 00	$328,331 00
Current balance on hand	30,288 08	53,593 80	34,891 94	59,087 82
Accumulated balance on hand	39,228 08	92,881 88	127,773 82	186,861 64
Disiributed per capita	91.8	75	70.4	71.2
Distributed per capita if current balances had been included	73	87	87	85

This bird's eye view of the matter shows that had there been a semi-annual distribution for the last four years, there could have been no such balances at the close of each fiscal year, either current or accumulated, and it also shows what amount of common funds would have been distributed to the children on the per capita basis, if all the common school funds had been apportioned. In 1855 the amount would have been *seventy-three* cents instead of $0 65.8; in 1856 it would have been *eighty-seven* cents instead of $0 75; in 1857 it would have been *seventy-eight* cents instead of $0 70.5; in 1858 it would have been *eighty-four* cents instead of $0 71.2.

A remark occurring in the Superintendent's Fifth Report, may here be repeated with great propriety, and called up for present consideration. "The school system would be relieved of no inconsiderable amount of prejudice and opposition that it now encounters, if the expenses of the collection and disbursement of the school taxes and interest were paid out of the county treasuries and their entire proceeds, undiminished by any charge whatever, were appropriated to educational purposes. It would cost the people no more than it now does, and they would have the satisfaction of knowing that these funds, at least, reached their ultimate destination unimpaired by any deduction on their passage fr m the pockets of the people to the tuition of their children. It would disarm prejudice of much of its power, leave selfishness without a shelter, and strip opposition of one of her most potent weapons."

STATE BOARD OF EDUCATION.

It is very desirable that the present revision of our school law should efface from the statute book the incongruity, so striking and obvious, between the duties of the Board, as intimated in sections 118 and 157 of the school law, and utter inability of its members as now constituted, from prior and paramount official engagements, to say nothing of their want of fitness from previous inexperience and lack of educational sympathy, to worthily discharge the appropriate functions of the office so unceremoniously thrust upon them. What is there in the antecedents of either of the ex-officio members of that Board to justify the expectation that they would enter with much zest or zeal into the business of examining text books, or that they would take any interest in, or devote any time to, meetings to "increase the efficiency of their individual labors" and "by mutual conference interchange of views and experience of the practical operations of the system," endevor "more effectually to promote the interests of education?"

The absurdity of the whole thing is so manifest that no doubt some who have found themselves invested with these unexpected

functions, have regarded the matter as little else than "a comedy of errors," into which they have suffered themselves to be drawn as seldom as possible. Either abolish the Board or constitute it of materials that would indicate some sympathy between the incumbent and the office. It is not derogatory to the present, or any previous Board, to say that its meetings have been little else than unwelcome drafts on their time, and its functions, at best, but an ungracious imposition on their higher official life and duties. Its original design was wise, and constituted as thus contemplated, it would have proved a valuable adjunct to the system. Composed of circuit superintendents, laboring in various and divers parts of the State during eight or nine months in the year, it was presumed that the semi-annual meetings of such officials might be attended with valuable results, both to the members and to the cause.

As now composed it is little else than an educational farce, the mere semblance of what might be a valuable reality. It is of no practical worth to the system, of no service to the cause, and of no assistance to the Superintendent. The most important service it has ever done the commonwealth, as far as any record of its mission has come to light, is its overruling the Superintendent in the apportionment of the school funds, as developed in the accumulated balances of said funds for the last four years. In the plentitude of its power it may also have done something, under the influence of outside pressure and importunity, in the line of text book changes and some other matters of kindred character unknown to fame.

Its original constitution made it a practical and efficient element of an educational system, and could nine circuit superintendents be put in motion, in as many distinct sections of the State, thoroughly imbued with the spirit of their mission and correspondingly qualified for the discharge of its duties, they would demonstrate that there is far more money in such a Board than it costs. The annual salaries of these officers, at $1,000 each, would come far short of the sheriffs' fees last year for taking convicts to the Penitentiary. Only $10,113 55 were paid for these important services. (Auditor's Report, page 18.) While it would be the hight of extravagance for Indiana to appropriate $9,000 for such educational services, Pennsylvania employs one in every county, and New York sub-divides many of her counties, and places the educational interests of each of the aforesaid parts in charge of a superintendent. We shall propose no such extravagant and visionary notion as the creation of circuit superintendents, but modestly suggest the wisdom of the creation of a Board of Education composed of nine members, elected by the Legislature for six years, two being chosen at every biennial session. Lt it consist of men of large experience as teachers, familiar with the history of education and

keenly alive to its progress and improvement, of no prominence as political aspirants, and no proclivities in that direction. Educated men themselves, and charged with the supervision of the interests of education in all its departments throughout the State, such a Board could not fail to accomplish a valuable mission. The annual report of said Board, together with a like document from the Superintendent of Public Instruction, would embody facts, suggestions and recommendations of permanent value to the cause, and of great service to the Legislature in this department of its labors. Recommendations from such a source would have weight and influence with the people and their representatives. Under the supervisory oversight of such a body of men, our educational system might be developed into an efficient organism, eliminating its defects and bringing its vital principle into more vigorous, consistent and healthy action. Its province would embrace the whole educational field of the commonwealth, including schools, academies, seminaries and colleges. It is time that the State manifested a more intelligent interest in the educational enterprises within her limits, whether under the control and management of private associations or public corporations. We need an annual exhibit of all that is done in the commonwealth in the educational department, to cheer the friends of the cause, and assure even its lukewarm advocates and foes that there is real substantial progress. A Board composed of the aforesaid number of members, removed from the center and focus of political ferment and excitement, isolated in their locations, educational in their sympathies, and progressive in their tendencies, could not fail to accomplish a noble mission for the cause and the commonwealth. Require them to meet semi-annually, in May and December, fill any vacancies occurring in their body in the interval of the biennial session of the Legislature, present a full report of their proceedings, suggesting such changes in our educational code as their experience may prompt. Such a body of educators, such a corps of educational guardians would be appropriate and worthy coajutors of the Superintendent of Public Instruction. Give them merely the per diem and mileage of members of the Legislature, and limit their semi-annual session to four days. The utmost of their per diem charge for the year would be $216, and their mileage would depend upon the distance of their residence from the Capital, swelling the *entire cost* to probably not more than $300 per annum. The annual reports, suggestions and recommendations of said Board would greatly lessen the labors of Educational Committees, improve the character of the educational action of the Legislature, and save a good share of the annual cost of the Board to the State, in clerical hire for the Educational Committees of the two Houses. Nothing would gratify the friends of education more than the creation of such

a State Board, and nothing could be of more service to the Superintendent than such counsellors and coadjutors.

The character of such a Board would be sufficient guaranty that their selection of text books and additions to the township library would be judicious and satisfactory to the community.

There are minor points in the school law in which it could be greatly improved by slight erasures and brief supplements. Some of them will be indicated in a printed copy accompanying this document. In conclusion, it may be said that the views expressed in this communication are entertained by large bodies of our most intelligent citizens. The topics here suggessed have been widely ventilated and extensively discussed in other States, and have been cordially endorsed by thousands of educators in this commonweath. There has been in this State a very great and favorable change in public sentiment on the subject of edution within the last twelve years, and in no portion of that period has it been more rapid than within the last four years. The evidence is too potent to require recapitulation. Tens of thousands of our people would now say, had they the opportunity of expressing their sentiments on the point, give us a six or seven months' school and we will cheerfully pay a two mill tax.

Individuals have uttered that sentiment within the last two years, who, five years ago, would have opposed a one mill levy. The townships have become disgusted at the three month's pittance and say, give us six months free school, or let us take care of ourselves altogether. We have not the least doubt, not even the shadow of one, that if the foregoing suggestions should be incorporated in the revised school law of 1859, the result would be the most happy, doubling the period of tuition, quadrupling the efficiency of the system, giving satisfaction to the people and popularity to the authors of the improvement.

Let no one suppose that the people cannot penetrate the true cause of our temporary embarrassment, and that they will make no discriminations between the necessary expense of a seven month's school for the masses and the burdensome levy occasioned by the legislative neglect, extravagant expenditure or official engineering. If a bridge is to be built the sovereigns know that they must be taxed, but console themselves with the reflection that there is money even in such a structure, and that they will annually receive large dividends on the investment, in the increase of personal comfort, economy of time, and the pecuniary avails of their labor. They are not slow also to perceive that there is money even in bridges across the rivers and ravines of ignorance, and that on such investments extra dividends will annually be declared, payable in the best of funds, protection of person and property, pecuniary development, social improvement, mental culture and moral progress, the elements of earthly enjoyment and pledges of the felicities of a higher life.

On motion by Mr. Wallace,
The communication was referred to the committee on education.

On motion by Mr. Cravens,
The order of business was suspended, and
Mr. Cravens presented the following report from the committee on benevolent institutions:

MR. PRESIDENT:

I am directed by the committee on benevolent institutions to ask the Senate for the adoption of the following resolution:

Resolved, That the committee on benevolent institutions be and they are hereby authorized to send for persons and papers, and to administer oaths, and to do all other things that may be deemed necessary to a complete and full investigation of the affairs and condition of said institutions.

Which report was concurred in.

Leave being granted,
Mr. Miller offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into, and report without delay, whether this General Assembly can constitutionally re-district the State for Senatorial and Representative purposes, or change any district thereof, or fix the number of Senators and Representatives.

Which was agreed to.

Leave being granted,
Mr. Green offered the following resolution:

Resolved, That the committee on swamp lands be directed to continue the investigation commenced at the last session of this General Assembly, and to have power to send for persons an papers, and that the chairman of said committee be authorized to issue subpœnas, and administer oaths, in furtherance of the investigation of the alledged frauds connected in the management of the swamp lands.

Mr. March moved to amend the resolution by adding:

"And that the subpœnas for witnesses shall be served at the option of the committee, by the Sheriff's of the respective counties where the witnesses may reside, which subpœnas may be sent by mail or otherwise, as the committee may determine, and in case of the refusal or neglect of such Sheriff to serve said subpœnas, the

committee shall be authorized to appoint some suitable person to discharge such duty."

Which amendment was adopted.

The resolution, as amended, was agreed to.

Leave being granted,
Mr. Wallace offered the following resolution:

Resolved, That when the new seats and desks are provided and set up in the Senate Chamber, the Doorkeeper provide as many ballots as there are desks, numbered to correspond with the desks, and that each Senator draw a ballot with the understanding that the ballot thus draw by him designate the seat he shall occupy.

Mr. Murray moved to amend the resolution as follows:
"That the name of each Senator be written on a slip of paper and placed in a box, and drawn out one a time, and as the names are drawn the Senators shall choose a seat."

Mr. Heffren moved to lay the resolution and pending amendment on the table.

The ayes and noes being demanded by Senators Conley and Bennett,

Those who voted in the affirmative were,

Messrs. Beeson, Bobbs, Carnahan, Conner, Cooper, Gooding, Green, Hargrove, Heffren, Hendry, Jennings, Jones, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Conley, Cravens, Craven, Culver, Fisk, Hill, Johnston, Kinley, March, Odell, Rice, Shoemaker, Studabaker, Wallace and Wilson—20.

So the motion and pending amendment were laid on the table.

On motion by Mr. Heffren,
The Senate adjourned.

2 o'clock P. M.

The Senate met.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of the resolution of Mr. Tarkington, and the amendment of Mr. Line, on the subject of abolishing the Court of Common Pleas, pending on Wednesday, the 19th inst., made the special order for to-day at 2 o'clock P. M.

On motion by Mr. Heffren,
The resolution and pending amendment were laid on the table.

ORDERS OF THE DAY.

Senate Bills on their Second Reading.

Senate Bill No. 58. A bill to amend the 14th section of an act entitled "an act for the government of the insane and the care of the insane of Indiana,"
Was read a second time; and
Referred to the committee on benevolent institutions.

Senate bill No. 59. A bill supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855,
Was read a second time; and
Referred to the committee on the judiciary.

Senate Bill No. 61. A bill to amend the third section of an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal an act entitled 'an act to provide for the government and discipline of the State Prison,' approved March 3d, 1855, and all other laws or parts of laws inconsistent therewith," approved February 5th, 1857,
Was read a second time; and
Referred to the committee on the State Prison.

Senate Bill No. 62. A bill for the relief of the Indiana University, and to increase and extend its benefits, by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the

sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto,"

Was read a second time; and

Referred to a select committee of five.

The President appointed Senators Tarkington, Murray, McClure, Shoemaker and Anthony said select committee.

Senate Bill No. 63. A bill to amend the fifth section of an act entitled "an act to provide for equalizing the appraisement of the real property of the State of Indiana," approved May 28, 1852,

Was read a second time; and

Mr. Brown moved to amend the bill so as to require the Board of Equalization for the ninth Congressional district to meet at the county seat of Marshall county.

Mr. Stevens moved to refer the bill and pending amendment to a select committee of one from each Congressional district,

Which was agreed to, and

The President appointed Senators Stevens, Carnahan, Heffren, Cravens, Beeson, Bobbs, McLean, Wagner, Brown, Hendry and Craven said committee.

Senate Bill No. 64. A bill to render public officers competent to testify as witnesses in actions brought on their relation, in the name of the State,

Was read a second time; and

Referred to the committee on the judiciary.

Senate Bill No. 65. A bill defining the crime of embezzlement, and providing for the punishment of offences committed under this act,

Was read a second time; and

Referred to the committee on the judiciary.

Senate Bill No. 67. A bill requiring the Superintendents of the several Asylums to report the number of patients who are the offspring of parents married within the degrees of consanguinity,

Was read a second time; and

Referred to the committee on benevolent institutions.

Senate Bill No. 68. A bill to amend the ninth section of an act entitled "an act providing for the election of clerks of the Circuit Court, and prescribing some of their duties," approved March 7th, 1852,

Was read a second time; and

Referred to the committee on the judiciary.

Senate Bill No. 69. A bill to legalize all bonds and other instruments in writing executed by any assignee of a branch of the State

Bank of Indiana, and to authorize suits to be brought thereon, and to empower the debtors of any branch to secure the same to the Sinking Fund.

Was read a second time, and

Referred to the committee on banks.

Senate Bill No. 70. A bill supplemental to an act concerning county prisons, approved May 27, 1852, and to authorize the establishment of work-houses and the confinement of certain persons therein at labor,"

Was read a second time; and

Referred to the committee on county and township business.

Senate Bill No. 71. A bill to incorporate the Indiana School of Practical Sciences,"

Was read a second time; and

Referred to the committee on corporations.

Senate Bill No. 72. A bill to repeal an act to amend "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved March 4, 1853,

Was read a second time; and

Referred to the committee on the judiciary.

Senate Bill No. 73. A bill to provide for the collection of taxes assessed against lands and lots mortgaged to secure loans made of the Sinking Fund, Surplus Revenue Fund, Saline Fund, Congressional Township Fund, Seminary Fund, College Fund, and any other public or trust fund, to prevent loss of the securities held by said funds, and to repeal the 8th section of chapter 6 of the Revised Statutes of 1852,

Was read a second time and ordered to be engrossed, and passed to a third reading on to-morrow.

Senate Bill No. 74. A bill declaring certain places in which spirituous or intoxicating liquors are kept or sold to be nuisances, and providing for the abatement of the same,

Was read a second time; and

On motion by Mr. Kinley,

Referred to a select committee of five.

The President appointed Senators Kinley, Stevens, Wilson, O Brien and Blair said select committee.

Senate Bill No. 75. A bill to amend the 9th and 30th sections of

"an act regulating the fees of officers and repealing former acts in relation thereto," approved March 2d, 1855,

Was read a second time; and

On motion by Mr. Bobbs,

Referred to a select committee of five.

The President appointed Senators Bobbs, Johnston, Line, Weir and Bennett said select committee.

Senate Bill No. 76. A bill for the distribution, safe keeping and investment of the Sinking Fund, as set apart and constituted by an act establishing a State Bank, approved January 28, 1834, and to provide for the purchase of bonds and the duties of certain officers in relation thereto,

Was read a second time.

Mr. Hamilton moved to refer the bill to the committee on the judiciary.

Mr. Murray moved that the bill be indefinitely postponed.

Mr. Studabaker moved to lay the motion to indefinitely postpone upon the table.

Which was agreed to.

The bill was referred to the committee on the judiciary.

Senate Bill No. 77. A bill to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852,

Was read a second time; and

Referred to the committee on the judiciary.

Mr. Wagner moved to instruct the committee as follows:

"Enquire into the power of the Legislature to apply the interest of the Sinking Fund, accruing hereafter, to the common schools."

Which was agreed to.

Senate Bill No. 78. A bill to amend section 16 of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852,

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 79. A bill to extend the time of payment to purchasers of the saline and school lands,

Was read a second time; and

Referred to the committee on education.

Senate bill No. 80. A bill to amend section second of an act en-

titled "an act to authorize the Commissioners of the Sinking Fund to receive substitution of stock mortgages and other purposes," approved January 28, 1857,

Was read a second time, and

Referred to the committee on education.

Senate Bill No. 102. A bill to amend the third section of an act entitled "an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof,"

Was read a second time.

Mr. Green moved to refer the bill to a select committee of one from each congressional district with the following instructions:

1. To reduce the number of districts to thirty.
2. To enlarge the jurisdiction of said courts in the amount in controversy, and make the same a court of general jurisdiction, and when so amended report the same back.

On motion by Mr. Cobb,

The motion to refer with instructions were laid upon the table.

Mr. McLean offered the following amendment;

"Amend the bill so as to make Sullivan and Vigo compose one district."

Which was not agreed to.

On motion by Mr. Wilson,

The bill was referred to a select committee of three.

The President appointed Senators Cobb, Cravens and Wilson said select committee.

Mr. Wagner moved to suspend the order of business and reconsider the vote taken yesterday on the resolution of Mr. Heffren, to correct the journal of the joint convention of Wednesday the 19th inst., so as to show that each of the Directors of the State Prison was elected for the term of four years.

Which was not agreed to.

Senate bill No. 81. A bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, vol. 2, Revised Statutes of 1852,

Was read a second time; and

On motion by Mr. Hargrove,

Referred to a select committee of five.

On motion by Mr. Heffren,
The order of business was suspended, and
Mr. Heffren introduced

Senate Joint Resolution No. 8. A joint resolution on the subject of Cuba.

Mr. Heffren moved to postpone the further consideration of the joint resolution until Thursday of next week, at 2 o'clock P. M.

Mr. Weir moved to lay the motion to postpone and the joint resolution on the table.

The ayes and noes being demanded by Senators Heffren and Gooding,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cooper, Cravens, Culver, Green, Hendry, Hill, Jones, Kinley, March, Odell, Rice, Robinson, Steele, Studabaker, Thompson, Turner and Weir—24.

Those who voted in the negative were,

Messrs. Cobb, Conley, Craven, Gooding, Hamilton, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Stevens, Tarkington, Wallace and Wilson—19.

Mr. Anthony was excused from voting.

So the motion to postpone and the joint resolution were laid on the table.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

Senate bill No. 60. A bill fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof in each county thereof.

On motion by Mr. Conner,
The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock,
January 26, 1859.

The Senate met.

The Secretary proceeded to read the Journal of yesterday; when,
On motion by Mr. Blair,
The further reading of the Journal was dispensed with.

Leave being granted,
On motion by Mr. Wagner,

Resolved, That when the Senate adjourn it will adjourn until to-morrow at 9 o'clock A. M.

Leave being granted,
On motion by Mr. Heffren,
Leave of absence during session hours was granted to the committee on benevolent institutions.

REPORTS FROM SELECT COMMITTEES.

Mr. Wilson, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred Senate Bill No. 102, "a bill to amend the third section of an act entitled 'an act to establish Courts of Common Pleas, and defining the duties and jurisdiction of and compensation for the judges thereof,'" have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage;
Which report was concurred in.

Mr. Wilson moved to consider the bill as engrossed, and to read the same a third time now.
Which was agreed to, and
The bill was read a third time.

Mr. Wallace moved to recommit the bill to a select committee of one from each Congressional district.

Mr. Cobb moved to lay the motion to recommit upon the table,
Which was not agreed to.

The question was then put, shall the bill be recommitted to the select committee?

Which was agreed to, and

The President appointed Senators Wallace, Carnahan, Heffren, Cobb, Line, Bennett, Blair, Steele, Murray, Hamilton and Conner said select committee.

Mr. Stevens, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred Senate Bill No. 63, "a bill to amend the 5th section of an act entitled 'an act to provide for the equalizing the appraisement of the real property of the State of Indiana, approved May 28, 1852,'" have had the same under consideration, and directed me to report the bill back to the Senate with the following amendments, and when so amended, recommend its passage:

Amend section 5 as follows: In the first district strike out Pike and insert Gibson; in the fourth district strike out Franklin and insert Decatur; in the seventh district strike out Clay and insert Vigo; in the ninth district strike out Fulton and insert Marshall; in the tenth district strike out county seat of Noble county and insert Kendallville; in the eleventh district strike out Grant and insert Wabash;

Which was concurred in.

Mr. Studabaker moved to strike out Wabash and insert Huntington,

Which was not agreed to.

Mr. Studabaker offered the following amendment: "Amend so that a majority of the Board may act,"

Which was agreed to.

Mr. Wallace moved to amend by inserting Montgomery instead of Tippecanoe,

Which was not agreed to.

Mr. Jones moved to amend by striking out Jennings and inserting Bartholomew,

Which was not agreed to.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the engrossed with the enrolled copy of Senate Bill No. 60, "a bill fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length in each county thereof," and find the same correctly enrolled.

BILLS INTRODUCED.

Mr. Kinley introduced

Senate Bill No. 134. A bill providing for the assessment of taxes for township library purposes,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. McClure introduced

Senate Bill No. 135. A bill to provide for issuing fee bills and executions against sureties for costs in suits brought by non-residents in the Circuit Courts and Courts of Common Pleas,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Craven introduced

Senate Bill No. 136. A bill for the recovery of damages from any officer of this State who shall illegally charge, demand or collect more than is legally due him as fees, and requiring such officers to receipt for all money collected,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Lomax introduced

Senate Bill No. 137. A bill to amend an act entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,' approved June 21, 1852,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Gooding introduced

Senate Bill No. 138. A bill to fix the amount of the salary of State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant librarian and clerk,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Cobb introduced

Senate Bill No. 139. A bill entitled an act for the protection of sidewalks in incorporated towns and villages within this State, and for the punishment of persons injuring or obstructing the same,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Wallace introduced

Senate Bill No. 140. A bill to amend section 161 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. McLean introduced

Senate Bill No. 141. A bill requiring the clerks of the Circuit Courts to keep a public record of moneys paid into their offices, and in relation to moneys now in their hands belonging to said offices,

Which was read a first time, and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

Senate Bills on Second Reading.

Senate bill No. 82. A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 83. A bill to provide for and secure the rights of married women in real property,

Was read a second time.

On motion by Mr. Bobbs,

The bill was referred to a select committee on five.

The President appointed Senators Bobbs, Murray, Hendry, Stevens and Heffren said select committee.

Senate bill No. 85. A bill to provide for a general system of common schools, the officers thereof, and their respective duties, powers and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,

Was read a second time.

On motion by Mr. Kinley,

The bill was laid upon the table, and one hundred copies ordered to be printed.

Senate bill No. 86. A bill to amend the first section of an act entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5th, 1852, and to define the degrees of consanguinity and affinity prohibited in marriage,

Was read a second time; and

On motion by Mr. Carnahan,

Referred to the committee on rights and privileges.

Senate bill No. 88. A bill to amend the third and fourth sections of an act entitled "an act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26th, 1857, and also adding a supplemental section to said act of 1857,

Was read a second time; and

On motion by Mr. Wallace,

Referred to a select committee of three.

The President appointed Senators Wallace, Weir and Hill said select committee.

Senate bill No. 89. A bill to amend section 1 and repeal section seven of "an act concerning interest on money," approved May 27th, 1852,

Was read a second time; and

Referred to the committee on finance.

Senate bill No. 90. A bill to provide for the collection, safe-keeping, and disbursement of the public money, and fixing the salary of Treasurer of State,

Was read a second time; and

On motion by Mr. Cobb,

Laid on the table, and 200 copies ordered to be printed for the use of the Senate.

Senate bill No. 91. A bill to provide compensation to persons who may bring to justice fugitives from the same,

Was read a second time; and

Referred to the committee on finance.

Senate bill No. 92. A bill to provide for a more uniform mode of doing township business,

Was read a second time; and

On motion by Mr. Steele,

Referred to the committee on county and township business.

Senate bill No. 93. A bill to amend section fifteen of an act entitled "an act to establish a bank with branches," passed March 3d, 1855,

Was read a second time; and

Referred to the committee on banks.

Senate Bill No. 94. A bill to amend the 6th section of an act for the encouragement of agriculture, approved February 17th, 1852,

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate Bill No. 99. A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and to repeal all laws and parts of laws in conflict with this act,

Was read a second time; and

On motion by Mr. Wallace,

Referred to the select committee heretofore appointed to consider Senate bill No. 88; and Mr. Conley was added to said committee.

Senate Bill No. 100. A bill providing for the more uniform mode of doing township business,

Was read a second time; and

Referred to the commiitec on county and township business.

On motion by Mr. Green,

The order of business was suspended, and

Mr. Green offered the following resolution:

Resolved, That the Secretary be respectfully requested to announce the name of the Senator who introduced the bill, upon the reading thereof.

Which was agreed to.

Senate Bill No. 101. A bill to authorize county treasurers to assess property which may be omitted by assessors, and to legalize assessments heretofore made by treasurers,

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

Senate bill No. 103. A bill to authorize county boards in certain

cases to hear and determine complaints against plank, gravel, turnpike and McAdamized roads, and to declare their charters forfeited,

Was read a second time; and

Referred to the committee on corporations.

Senate bill No. 104. A bill to prevent the taking of tolls on plank, McAdamized and gravel roads, and to prevent the removal of any material used in the construction thereof, and repealing sec. 10 of "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12th, 1852,

Was read a second time; and

Referred to the committee on corporations.

On motion by Mr. Anthony,

The order of business was suspended, and

Senate bill No. 2. A bill regulating the choosing of United States Senators by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing,

Made the special order for to-day at 2 o'clock, P. M., was taken up.

On motion by Mr. Anthony,

The further consideration of the bill was postponed until Monday next at 2 o'clock, P. M., and made the special order for that hour.

On motion by Mr. Wallace,

The order of business was suspended to enabled Senators to introduce resolutions and joint resolutions.

On motion by Mr. Wallace,

Resolved, That the Quarter Master General report to the Senate the quota of arms, munitions, equipments, &c., of all kinds, to which the State is entitled to under existing laws; also what proportion of said quota has been drawn and forwarded; what of the same is now on hand undistributed; where the same is kept; who has charge of it, and at what cost the same is kept; under what regulations counties have drawn arms, equipment, &c., from the arsenal, with a full report of the quantity and kind drawn by them respectively.

Mr. Wallace introduced

Senate Joint Resolution No. 9. A joint resolution relative to the admission of Kansas as a State.

On motion by Mr. Wallace,

The further consideration of the joint resolution was postponed until Tuesday next at 2 o'clock, and made the special order for that hour.

On motion by Mr. Jennings,

Resolved, That the committee on the judiciary be instructed to inquire whether there is any law requiring the Judges of the Courts of Common Pleas, *ex officio*, at stated periods, to institute inquiry into the sufficiency of the sureties of executors, administrators and guardians, and in the absence of such law to report whether it is not expedient to enact one, with leave to report by bill or otherwise.

On motion by Mr. Hendry,

Resolved, That the President of the Board of Sinking Fund Commissioners be requested to report to the Senate, at as early a day as possible, how much of that fund has been lost by insecure loans, or in any other manner. Also, the aggregate amount that is now loaned in each county in this State.

Mr. Gooding offered the following resolution:

Resolved, That a select committee of three be appointed to examine into and report to the Senate what acts of the Legislature of 1853, 1855 and 1857, which have not been repealed, are unconstitutional, because of the failure to set forth at full length in the amending act, the section or act amended,

Which was agreed to; and

The President appointed Senators Gooding, March and Cobb said select committee.

Mr. Miller offered the following preamble and resolution:

WHEREAS, The State of Indiana is by law the trustee for the safekeeping collecting and dispensing of the Swamp Land Funds of the State; AND WHEREAS, The late swamp land treasurer of Pulaski county, Henry P. Rowan, did at sundry times, and in pursuance to instruction from the Treasurer of State, in the year 1854, deposit sums of money belonging to the swamp land fund of Pulaski county in the Wabash Valley Bank, at Logansport; AND WHEREAS, The same is yet wholly unpaid, amounting to some $12,888, evidenced by certificates of deposit left with and now in the hands of Treasurer of State, subject to collection; AND WHEREAS, By virtue of a joint resolution, approved March 7th, 1857, it was made the duty of the Attorney General to bring suit for the same; AND WHEREAS,

No suit has yet been instituted, nor action commenced to recover the same; AND WHEREAS, It appears that there is a bond on file in the office of the Treasurer of State, with ample surety for the repayment of all deposits made on said bank, executed to the Treasurer of State and his successors in office; therefore,

Be it Resolved, That the committee on the judiciary be instructed to inquire into the condition of said claims, and if need be, that they have power to send for persons and papers; and that they report without delay, either by bill, or by recommending such measures as they may think proper for the recovery of said deposits;

Which was agreed to.

SENATE BILLS ON SECOND READING.

Senate bill No. 105. A bill prescribing forms to be used in criminal cases,

Was read a second time, and

Referred to the committee on the judiciary.

On motion by Mr. Cobb,

The Senate adjourned.

THURSDAY MORNING, 9 O'CLOCK,
January 27, 1859.

The Senate met.

The President being absent,

On motion by Mr. Green,

Mr. Cravens was called to the chair as President *pro tem.*

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Cravens presented the petition of the Mayor and sundry citizens of the city of Madison in relation to repealing a certain section of the act incorporating that city.

On motion by Mr. Tarkington,

The petition was referred to a select committee of three, and

The President appointed Senators Tarkington, Cravens and Conner said select committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Carnahan, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate Bill No 53 "a bill to authorize county commissioners to award compensation to persons who may bring to justice fugitives from the same," have had the same under consideration, and have instructed me to report it back and recommend its passage;

Which was concurred in, the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Jones, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate Bill No. 91, "an act to provide compensation to persons who may bring to justice fugitives from the same," have had the same under consideration, and have directed me to report the same back and recommend that it lie upon the table;

Which report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Tarkington, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate Bill No. 62, "a bill for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of its lands, &c.," have had the same under consideration, and have directed me to report the same back and recommend its passage;

Which report was concurred in.

Mr. Gooding moved to recommit the bill to the committee on education,

Which was agreed to.

Mr. Steele, chairman of the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred the resolution of the Senate inquiring into the expediency of so amending the banking law of this State as to prohibit the circulation of the bills of the banks of other States of a less denomination than five dollars, have had the same under consideration, and have directed me to report that, in the opinion of the committee, further legislation at this time is inexpedient.

Mr. Heffren moved to lay the report of the committee upon the table,

Which was agreed to.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of Senate bill No. 25, a bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith, together with the report of the committee of education thereon, and made the special ordered for to-day at 10 o'clock, A. M.

Mr. Conner moved that the further consideration of the report and bill be postponed until Friday next at 10 o'clock A. M., and made the special order for that hour.

Which was agreed to.

Mr. Heffren, from the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred House bill No. 12, "a bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency," have had the same under consideration, and have directed me to report the same back, with sundry amendments, and when so amended, recommend its passage:

Amend section 1, line 11, after the word "company," by inserting "firm."

Amend section 2, line 19, after the word "whatever," by inserting "for the purpose of being used as a circulating medium, or substitute for bank notes."

Amend section 3, line 13, by striking out "and" and inserting "or."

Amend section 4, line 13, by striking out the words, "after the taking effect of this act."

Add to section 5: "Nor to the certificates of deposit, or checks issued by any person, firm, company, corporation or association in the due course of business."

Add the following section:

SEC. 6. Any person who shall knowingly exchange, barter, sell, or put away, for a valuable consideration, any bank note or bill, drawn on or by any bank of any State, knowing such bank at the time to be broken or to have suspended specie payments, without disclosing such knowledge to the person receiving such bill or note, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten nor more than one thousand dollars.

Which report was concurred in.

Mr. Heffren moved that the amendments to the bill be considered as engrossed, and that the bill read a third time now.

Which was agreed to; and

The bill read a third time.

Mr. Murray moved to amend the bill by adding the following to first section:

"Nothing contained in this section shall be construed as giving the right to any of the banks of this State, created under the laws thereof, to issue or put in circulation any other paper than that authorized by the laws under which they were created."

Which was unanimously agreed.

Mr. Tarkington moved to recommit the bill to the committee on banks, with instructions to strike out from the enacting clause and insert the following:

That the making, issuing, circulating, or causing to be made or circulated, any paper currency, except that made and issued in pursuance of the laws of this State, or the laws of the several States in relation to banking, which have been or may hereafter be adopted within this State, or in the several States, and all bills, notes, or promises to pay, in the nature, similitude, or likeness of bank notes or paper currency, is hereby declared prohibited; and any person who shall knowingly make, issue or put in circulation, or cause to be made, issued or circulated, or who shall have in possession with intent to put in circulation any such paper currency, pretended bills, notes or promises to pay, in the nature, likeness or similitude of paper currency or bank bills, shall be deemed guilty of a felony, and upon conviction thereof, shall be fined in any sum not less than one hun-

dred dollars nor more than one thousand dollars, to which may be added, at the discretion of the court or jury trying the same, imprisonment in the State prison not less than one year nor more than three years.

SEC. 2. Nothing contained in the preceeding section shall be so construed as to subject any person to the provisions thereof, who may present the same for the purpose of being redeemed, or who may have received the same in the regular course of business trade, and who may pass the same in such trade within six months from the passage of this bill.

SEC. 3. *Be it further enacted*, That any person who shall, knowingly, exchange, barter, sell or put away for a valuable consideration, any bank note or bill, drawn on or by any bank of any State, knowing such bank at the time to have suspended specie payments, or to be broken, without disclosing such knowledge to the person receiving such bill or note, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten nor more than one thousand dollars.

SEC. 4. Whereas, an emergency exists for the immediate taking effect of this act, it shall, therefore, be in force from and after its passage and publication in the Indiana Daily State Sentinel and Indiana Daily State Journal.

Mr. Murray moved to lay upon the table the motion to recommit with instructions.

Which was agreed to,

Mr. Craven moved to recommit the bill to the committee on banks with instructions to strike out the fourth section of the bill.

Mr. Hargrove moved to lay upon the table the motion to recommit with instructions.

The ayes and noes being demanded by Senators Gooding and Heffren,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Culver, Fisk, Hamilton, Hargrove, Hendry, Hill, Jennings, Kinley, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Turner, Wagner and Williams—33.

Those who voted in the negative were,

Messrs. Anthony, Craven, Gooding, Green, Hill, Johnston, March, Shoemaker, Slack, Thompson and Wallace—11.

So the motion to recommit with instructions was ordered to lay upon the table.

Mr. Tarkington moved to amend the bill by adding the following to the fourth section:

"Unless its execution be denied under oath by the defendant."

Which was unanimously agreed to.

Mr. Wallace moved to amend the bill so as to make the offense a felony instead of a misdemeanor.

Which was not agreed to.

Mr. Murray moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLain, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Turner, Wallace and Williams—43.

Senators Craven and Thompson voting in the negative.

So the bill passed.

Mr. Heffren moved to amend the title by adding:

"and to punish the putting away of broken bank notes, or the notes of banks which have suspended specie payment."

Which was unanimously agreed to.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Murray offered the following resolution:

Resolved, That when the Senate adjourns it stand adjourned until to-morrow morning at 9 o'clock, A. M.

Which was agreed to.

On motion by Mr. McLean,

The Senate adjourned.

FRIDAY MORNING, 9 o'clock,
January 28, 1859.

The Senate met.

The President of the Senate being absent, Mr. Cravens took the chair.

The journal of yesterday was read.

On motion by Mr. Heffren,
The order of business was suspended, and
Mr. Heffren offered for adoption the following resolution:

Resolved, That the Senate will proceed forthwith to the election of a President *pro tempore*,

Which was agreed to.

Mr. Weir nominated John R. Cravens for President *pro tempore*.

Mr. Gooding nominated Lewis Wallace for President *pro tempore*.

Mr. Heffren nominated William C. Tarkington for President *pro tempore*.

Those who voted for John R. Cravens were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Craven, Green, Hamilton, Hendry, Hill, Johnston, Jones, Kinley, March, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner and Weir—25.

Those who voted for Lewis Wallace were,

Messrs. Cobb, Conley, Gooding, Line, Odell, Robinson and Wilson—7.

Those who voted for William C. Tarkington were,

Messrs. Carnahan, Hargrove, Heffren, Jennings, Lomax, McClure, O'Brien, Slack and Williams—9.

Senators McLean and Tarkington voted for Allen Hamilton.

Senator Studabaker voted for James R. Slack.

Senator Wallace voted for David S. Gooding.

Total number of votes given, 45.
Necessary to a choice, 23.

John R. Cravens having received a majority of all votes given, was thereupon declared, by the Secretary, duly elected President *pro tempore* of the Senate during the absence of the President.

Leave being granted,

Mr. Wallace moved to reconsider the vote on the final passage of House Bill No. 12, "a bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency, and to punish the putting away of broken-bank notes or the notes of banks which have suspended specie payment," which was taken in the Senate on yesterday.

Mr. Heffren moved to lay the motion to reconsider on the table.

The ayes and noes being demanded by Senators Line and Green,

Those who voted in the affirmative were,

Messrs. Blair, Carnahan, Cobb, Conley, Hargrove, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, Murray, O'Brien, Odell, Shoemaker, Steele, Stevens, Tarkington and Williams—21.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hendry, Jones, McLean, March, Rice, Slack, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—25.

So the motion to reconsider was not laid on the table.

The question being, shall the vote on the final passage of the bill be reconsidered?

The ayes and noes being demanded by Senators Heffren and Green,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hendry, Jones, McLean, March, Rice, Slack, Studabaker, Thompson, Turner, Wagner, Wallace, Weir and Wilson—25.

Those who voted in the negative were,

Messrs. Blair, Carnahan, Cobb, Conley, Hargrove, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Tarkington and Williams—22.

So the vote was reconsidered.

Mr. Weir moved to recommit the bill to the committee on banks, with the following instructions:

Amend the first section of the bill so as to prevent further issues by others, and provide for the further redemption of what is now in circulation.

Also, amend the second section so as to prevent its application to private bankers and brokers.

Strike out the fourth section and insert the following:

"Sec. 4. Any person or persons, or any individual member or members of any firm, company, corporation or association, who, before the taking effect of this act, shall have issued and put into circulation any such paper as specified in the first section of this act, and who shall fail or refuse to pay or redeem the same upon presentation and demand for the payment thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such failure or refusal to pay and redeem the same, be punished in the same manner as specified in the third section of this act."

Mr. Kinley moved to lay the motion to recommit with instructions on the table,

Which was agreed to.

Mr. Hendry moved to recommit the bill to the committee on banks.

Mr. Heffren moved to lay the motion to recommit on the table.

The ayes and noes being demanded by Senators Green and Hendry,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Conley, Cooper, Cravens, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Wagner and Williams—30.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Cobb, Conner, Craven, Gooding, Green,

Hendry, Jones, March, Slack, Studabaker, Thompson, Turner, Wallace, Weir and Wilson—17.

So the motion to recommit was laid on the table.

Mr. Line moved the previous question,
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Turner, Wagner, Wallace, Williams and Wilson—41.

Those who voted in the negative were,

Messrs. Craven, Green, Thompson and Weir—4.

Mr. Studabaker refused to vote.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. McClure moved to pass informally over the special order, pending for this hour, and take up a message from the House.
Which was agreed to; and

The following message from the House taken up:

A message from the House by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution thereof:

Joint Resolution of the House No. 13. A joint resolution relative to the construction of a canal at the Fall of the Ohio River.

In which the concurrence of the Senate is respectfully requested.

House Joint Resolution No. 13, contained in the foregoing message, was read.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Conner, Craven, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—45.

No Senator voting in the negative.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Conley moved to pass informally over the special order of the Senate to permit him to introduce a report.

Which was agreed to; and

Mr. Conley, chairman of a select committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred Senate bill No. 42, "an act to repeal an act entitled 'an act to establish a bank with branches,'" have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage, with the following amendments:

Amend by inserting the following preamble:

WHEREAS, It clearly appears from the evidence taken before the investigating committee appointed by the Senate at the session of the General Assembly in 1857, and reported at the late extra session, that the passage of the above entitled act and the original subscriptions of stock in the pretented organization under said act, were procured by the fraud of the subscribers and their confederates; AND WHEREAS, It clearly appears that the precedent conditions by said act required to be performed in the organization of a bank with branches, have never been complied with; AND WHEREAS, The persons now claiming the franchises of said act were either parties or privies to all the fraud herein alledged, or

had actual or presumptive notice thereof, and of the non-performance of said precedent condition, at the time they severally acquired their pretended rights; AND WHEREAS, Said franchises have never vested in any person or persons whatsoever, and the the existing organization, called the Bank of the State of Indiana, is a usurpation acting without authority of law; therefore,

Also insert the accompanying sections after the first section:

SEC. 2. *Be it further enacted*, That the several persons acting as the board of directors of each of the associations in this State called a Branch of the Bank of the State of Indiana, at the time of the passage of this act, shall constitute and are hereby appointed receivers and trustees of all the property, rights, moneys, debts and effects held or claimed in the name of such association, and shall be jointly and severally responsible therefor to the bill holder and other creditors of such association, and to the persons recognized by such association as stockholders therein, and shall have power for the space of three years to sue for, recover and take charge of the same by the name of the trustees of (using the name of such association) to dispose of and convey the property, and settle the liabilities of such association, and divide among said stockholders the balance remaining after the payment of all the liabilities of each of said associations, according to the rules and regulations specified in said act repealed; but said trustees shall have no power to issue bills, or loan money, or discount notes, or do any of the business mentioned in said act.

SEC. 3. The circuit court of the county in which any one of said associations has its place of business, shall have power to enforce the performance of said trust, and jurisdiction of all questions arising thereon, and may make such orders, injunctions, decrees and judgments as justice and equity shall require, on the proper application of any person legally or equitably interested.

SEC. 4. In case the persons by the second section of this act appointed receivers and trustees of any one of said associations, or a majority of such persons, shall refuse, or for any cause whatever fail to act as such receivers and trustees, the circuit court of the county in which such association has its place of business, shall, on the application of any person interested, appoint three persons who shall, in the same name, have the same powers, discharge all the duties and be subject to all the liabilities granted to and required of the receivers and trustees appointed under said second section.

SEC. 5. The several persons at the time of the passage of this act acting as the board of directors of an association in this State, called the Bank of the State of Indiana, shall constitute and are hereby appointed receivers and trustees of all property, rights, money, debts, and effects held or claimed in the name of said association, not claimed or held by any of the associations mentioned in the second section of this act, and shall be jointly and severally lia-

ble therefor, to the bill holder and other creditors of said association, and other persons equitably entitled thereto, and shall have power, in the names of the Trustees of the Bank of the State of Indiana, to sue for, recover, take charge of, and sell and convey the same, and shall within three years pay all the liabilities of said association, and distribute the balance remaining, after the payment of all said liabilities, among those entitled thereto, as having been recognized by said association as stockholders therein, according to the terms and in the manner specified in the act hereby repealed. But said trustees shall have no power to deliver any paper to said branch association to circulate as money, or do any other act or business whatsoever, mentioned in said act. The circuit court of the county of Marion in this State shall have power to enforce said trust, and jurisdiction of all questions arising therein, and in case said persons, or a majority of them refuse, or for any cause fail to act as such trustees, said court may, on the application of any person interested, appoint three trustees, who shall, in the same name, have all the powers, discharge all the duties, and be subject to all the liabilities above mentioned, and in either case said court may render all such judgments, make all such order, and injunctions as justice and equity shall require, on the proper application of any person interested.

Strike out section 2 and insert the following in lieu thereof:

"For the reasons stated in the preamble to this act, and because the paper put in circulation as money by the present organization called the Bank of the State of Indiana is insecure, and because said organization is attempting to give said paper a general circulation as money, therefore, an emergency is hereby declared to exist for the immmediate taking effect of this act, and this act shall be in force from and after its passage."

Mr. Wagner, from the same committee, made the following minority report:

Mr. President:

On behalf of the minority of the special committee, to whom was referred Senate bill No. —, "a bill for the repeal of the charter of the Bank of the State," we submit the following report:

The doctrine is well settled, by a series of authoritative decisions, that the charter of a private corporation, as between the government and the corporators, is an executed contract within the meaning of the 10th section of the 1st article of the constitution of the United States, which declares that no State shall pass any bill of attainder, *expost facto* law, or law impairing the obligation of contracts. And it therefore results that the Legislature has no power to repeal or materially alter such a charter without the consent of the corporation.

"A charter is certainly in form and substance a contract, it is a grant of powers, rights and privileges, a charter to a bank, or insurance or turnpike company is certainly a contract. If the State should make a grant of such a corporation, it has never been supposed that it could revoke them at its pleasure. It would have no remaining authority over the corporation but that which is judicial to inforce the proper administration of the trust." Storie's com. on the con , 2d vol., 1392.

In Fletcher *vs.* Peck, (6 Cranch., 87 to 148) it was held that when a law is in its nature a contract, when absolute rights have vested under it, the repeal of the law cannot divest those rights.

And in the celebrated case of Dartmouth College *vs.* Woodward (4 Wheaton 506) it was held that the charter, although granted by the British Crown, was a contract that it was not dissolved by the revolution, and that the Legislature had no power to materially change the charter, (Chancellor Kent Com. 1st vol., 19,) says that the Dartmouth College case is one of the most full and elaborate expositions of the constitutional sanctity of contracts to be met with in any of the reports, and did more than any other single act proceeding from the authority of the United States to throw an impregnable barrier around all rights and franchises derived from the grant of government, and to give solidity and inviolability to the literary, charitable, religious and commercial institutions of our country.

It is nevertheless claimed by a few at this day that the Legislature has power to repeal any act passed by a former Legislature.

The principle is true in regard to questions of general legislation; but where an act is done under a law, a succeeding Legislature cannot undo it. Where rights have become vested under a law the Legislature cannot divest them. That the repeal of the act establishing the Bank of the State of Indiana would be disregarded by the courts cannot be doubted. By a recent decision of the Supreme Court of the State, to which reference has already been made, that institution has been solemnly recognized as a valid corporation under an act constitutionally passed. It follows, therefore, that it cannot be destroyed, nor its rights impaired by legislation.

The same tribunal has repeatedly held that the charter of a private corporation cannot be essentially changed without the consent of the corporators. (See the Aurora Turnpike Company *vs.* Holtshouse *et al*, 7th Indiana, 59; the State *vs.* Springfield Township, 6th Indiana, 83; Sparrow *vs.* the Evansville R. R. Co., 7th Indiana, 369; Boor *vs.* the Junction R. R. Co., 10th Indiana, 93.)

If the Legislature cannot alter the charter *afortiora*, they cannot arbitrarily destroy the corporation by a repeal of the law creating it. It is said, however, that the charter was obtained by fraud, and that as fraud vitiates all contracts, the charter may be revoked. But is the Legislature competent to decide that vital question?

Any proceeding to set aside a contract, whether for the fraud of one of the contracting parties, or for any other cause, must be brought before the judicial department of the government, and not the Leg-

islature. A contract can only be rescinded by the judgment of a court of competent jurisdiction, in a proceeding between the proper parties. And such a judgment unreversed is absolutely conclusive of the questions litigated in the suit.

This doctrine cannot be disputed; and as the question of fraud was distinctly passed upon by the Supreme Court in the *quo warranto* proceedings before referred to, the question is *coram judice* and final. It is not subject to review before any other tribunal.

It was alleged by the State in that case that the act was passed by the fraud, bribery and corruption of several members of the Legislature. Upon this charge the Court ruled that it would not inquire by what motives the Legislature was governed in the enactment of the law—that to institute such an inquiry would be a direct attack on the independence of the Legislature, and a usurpation of power subversive of the constitution. It was also charged that the organization was effected, and the stock subscribed, through the illegal and fraudulent practices of the sub-commissioners, in collusion with the persons subscribing, specifically pointing out the acts complained of. To this the court responded that the alleged frauds could not be regarded as affecting the corporation, because the sub-commissioners were the agents of the State, for whose acts the corporation were not responsible, the latter having had no voice in the acts of those officials, and that if any rights were withheld from persons who desired to participate in the benefits of the law, or were wrongfully excluded, they were the parties to complain, and not the State.

There is another reason why the Legislature could not, with any propriety, attempt to repeal the act on the alleged ground of fraud in procuring its passage. The State, as has been shown, is one of the contracting parties, and according to the maxim that no one is a judge in his own cause, it would not repudiate its own solemn obligation. The act would be *ex parte* arbitrary and tyrannical.

In this view of the case, the undersigned regard the effort now being made to repeal the charter of the bank, while it must fail in its object, as calculated to effect injuriously the interests of the State. The Bank of the State is now the principal banking institution of the State of Indiana. Its notes constitute a large portion of the circulating medium, and its capital is the chief basis of the business of the State. Its circulation is now about four and a half millions, and its loans exceed five millions of dollars. If its notes are discredited and returned to the branches for redemption, it is not the bank alone, but all the business and financial interests of the State that suffer. And for what are these interests to be put in jeopardy? At whose instance is it that this warfare upon the bank is carried on in the Senate? What good object is to be subserved, what principle is to be vindicated by it?

Had there been any expression of the public sentiment in favor of a repeal of the charter of the bank; or if the bank had failed to meet the expectations of the people, there would have been some justification for the attack that has been made upon it; but this is

not pretended to be the case. During the recent political canvass the bank question was ignored by all parties. No member was elected to this body in whose election this question was made a test. No public meeting has given its sanction to the passage of this bill. No petition has come up from the people asking for a repeal of the charter of the bank. The press is silent upon this subject, except to condemn the agitation of this question in the Legislature. The highest judicial tribunal in the State, in two suits, in which the best legal talent and the keenest ingenuity were brought into requisition to invalidate the franchise of the bank, has decided that the bank was constitutionally created and legally organized—and to these decisions all good citizens, whatever may have been their prejudices against this institution in particular, or their objections to banking institutions in general, are disposed to yield a cheerful obedience.

As for the bank itself, its credit is undoubted. No bank has been more severely tried, and the manner in which it sustained both its own reputation and that of the State during the financial crisis of 1857 must have been a source of gratification and pride to every citizen of Indiana. It is not denied that the bank is now in safe hands, nor is it charged that its affairs are not prudently and honorably administered.

The only reason given for this unadvised and unfortunate attack is that its charter was obtained by fraud. If this were so—and there is no proof of it before the Senate—the persons now owning the stock and managing the affairs of the bank were not parties to that fraud. They invested their money in a legally chartered bank, and they have given to the people a currency with which they are as well satisfied as they can be with any bank note circulation. So far they have met their engagements to the public, and they have the right to demand of the Legislature that their rights and interets shall neither be trifled with nor impaired.

The Bank of the State has already been of incalculable value to our citizens. It has quietly taken the place of the State Bank, and enabled that institution to redeem its notes and collect its debts during a period of unprecedented financial embarrassment, without severe inconvenience to its customers, and without any shock to the business and commerce of the State. It is now chiefly furnishing the means by which our surplus products are seeking a market, and it could not be forced into liquidation, if the Legislature had the power to do it, without consequences which every business man, every property-holder, every man in fact who has regard for the credit of the State and the welfare of the citizens, would look upon with dismay.

We would therefore recommend that the bill be indefinitely postponed.

G. D WAGNER,
HORACE HEFFREN.

Mr. Conley moved that the further consideration of the bill and reports thereon, be postponed until Thursday next at 10 o'clock, A. M., and made the special order of the Senate for that hour.

Which was agreed to.

Mr. Slack moved to pass informally over the special order of the Senate to permit him to introduce a report.

Which was agreed to.

Mr. Slack, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 84, "a bill fixing the times of holding courts of common pleas in the counties of Huntington and Wells," have had the same under consideration, and requested me to report the following amendment:

Strike out the whole of said act and insert the accompanying.

Mr. Slack moved to consider the bill as engrossed, and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—42.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

The President laid before the Senate the following communication and accompanying report:

HON. J. R. CRAVENS,
President of the Senate:

SIR:—I have the honor to submit the fifteenth annual report of

the Trustees and Superintendent of the Indiana Institution for Educating the Deaf and Dumb.

Very respectfully,
TOHMAS MAC INTIRE,
Superintendent.

Which report was referred to the committee on benevolent institutions.

The President laid before the Senate the following report from the Secretary of the Senate :

To the Senate of Indiana:

GENTLEMEN:—In accordance with a resolution of the Senate, I have the honor to report the stationery account for the extra session. First is a list of articles furnished each Senator during the entire session of thirty-six days:

Senator Anthony—½ quire letter paper, ½ quire cap paper, ½ quire legal paper, 1 pencil, 1 pack envelopes.

Senator Beeson—2 quires letter paper, ½ quire foolscap paper, ½ quire note paper, 1½ dozen pens, 2 packs and 4 envelopes, 1 pencil.

Senator Bennett—2½ quires letter paper, 3 quires legal cap paper, 2½ quires note paper, ½ pack large envelopes, 3 packs letter envelopes, 1½ packs pens, 2 pen holders, 1 pencil.

Senator Blair—1 quire legal cap paper, 1 quire letter paper, 1½ quires of foolscap paper, 8 pens, 2 pen holders, 1 pack envelopes.

Senator Cobb—4 quires letter paper, (used in Senate Chamber,) 2½ quires foolscap paper, 2½ quires note paper, 1 ink stand, 1 pack envelopes, ½ dozen pens.

Senator Bobbs—1½ quires legal cap paper, 1½ dozen pens, 3 pen holders.

Senator Brown—1 quire note paper, ½ quire legal cap paper, 2 packs envelopes, 1 dozen large envelopes, 1 pen and holder.

Senator Carnahan—1½ quires letter paper, 1 quire note paper, 1 quire legal cap paper, 1 ink stank, 2 packs envelopes, 2 pens and 1 holder.

Senator Conley—1 quire note paper, 1 quire foolscap paper, 1 quire letter paper, ½ quire legal cap paper, 1 pack envelopes.

Senator Conner—½ quire foolscap paper, ½ quire letter paper, 2 packs and 4 envelopes, 1 inkstand.

Senator Cooper—1 quire note paper, ½ quire legal cap paper, 1 quire cap paper, ½ quire letter paper, 3 packs envelopes, 2 dozen pens, 2 pen holders.

Senator Cravens—1 quire letter paper, 1½ quires note paper, ½ quire legal cap paper, 1 pack envelopes, 1 pack envelopes, (large).

Senator Craven—½ quire letter paper, 1 pencil, 1 pack envelopes, 1 pen and holder.

Senator Culver—1 quire note paper, ½ quire foolscap paper, 1 pack letter envelopes, 1 pack large envelopes, 1 piece blotting paper, 1 ink stand, 1 dozen pens.

Senator Fisk—2½ quires letter paper, 1½ quires foolscap paper, 1 quire note paper, 1 quire legal paper, 1 dozen pens, 1 pen holder, 1 ink stand, 1 pencil, 1 pack envelopes.

Senator Gooding—4½ quires cap paper, 2 quires letter paper, 1 quire legal cap paper, 1 ink stank, 1 pack envelopes, 1 pencil, 1 piece blotting paper.

Senator Green—2 quires letter paper, 2 pencils, 3 pen holders, 2 dozen pens, 3½ packs envelopes.

Senator Hamilton—1½ quires letter paper, 4 quires note paper, 5 packs envelopes, 1 ink stand, 2½ dozen pens, 3 pen holders.

Senator Hargrove—½ quire legal cap paper, 1 quire letter paper, 1 pack and 1 dozen envelopes.

Senator Heffren—2½ quires cap paper, 3 quires letter paper, 1 quire legal cap paper, 6 packs envelopes, 3 pencils, 1 quire note paper, ½ dozen pens and holders, 6 quires letter paper, 3 quires legal paper, ½ quire foolscap paper, 1½ quires note paper, 2 inkstands, 4 packs envelopes, 4 pens and 1 holder.

Senator Hill—1 quire letter paper, 2 quires note paper, ½ quire foolscap paper, 2 packs envelopes.

Senator Jennings—1 quire note paper, ½ quire foolscap paper, 22 pens, 5 pen holders, 2 packs envelopes.

Senator Johnston—½ quire letter paper, ½ quire note paper, 1 pack envelopes.

Senator Jones—1½ quires letter paper, 1 blotter, ½ quire note paper, ½ quire cap paper, 2½ dozen pens, 2 holders, 3 dozen envelopes.

Senator Kinley—5 quires letter paper, 1½ quires legal cap paper, 2 packs envelopes, 1 inkstand, ½ dozen pens and 1 holder.

Senator Line—2 packs envelopes, ½ quire letter paper, 1 pencil, 1 pen holder.

Senator Lomax—1 ink stand, 1 pack envelopes, 1 quire letter paper, ½ quire foolscap.

Senator McClure—½ quire letter paper, 1 ink stand, 1 pack large envelopes.

Senator McLean—2 packs envelopes, 4¼ quires letter paper, 2 holders and pens, 1 quire foolscap paper.

Senator March—1 dozen pens, 2 penholders and pens, 1 pencil, 1½ quires paper, 1 pack envelopes.

Senator Miller—1½ quires letter paper, ½ quire letter paper.

Senator Murray—1 pack envelopes, 2 quires letter paper, 2 quires foolscap.

Senator O'Brien—3 packs envelopes, 2 quires note paper, 2 pen holders, 1 dozen large envelopes, 1 inkstand.

Senator Odell—2½ dozen pen points, 1½ quires letter paper, 1 pack envelopes.

Senator Rice—3½ quires letter paper, 2 quires cap paper, 2 packs envelopes.

Senator Robinson—1 blotter, 2½ dozen envelopes, 1½ quires letter paper, 1 pencil, ½ dozen pens, 1 pen holder.

Senator Shoemaker—4½ quires letter paper, ½ half quire cap paper, 1 inkstand, ½ half dozen pens, 1 pack envelopes.

Senator Slack—4 quires paper, 1 inkstand, 2 pen holders and pens, ½ dozen pens and holders, 2 dozen envelopes.

Senator Steele—5¼ quires letter paper, 1¼ quires cap paper, 2 packs envelopes, 1 inkstand, 1 dozen pens, 3 pen holders.

Senator Stevens—1 pen holder and pen, 2 packs envelopes, 1 quire letter paper, ½ quire cap paper, ½ dozen pens.

Senator Studabaker—3¼ quires letter paper, 2½ packs envelopes, 2 dozen pens, 1 blotter, 1 inkstand, 4 pen holders.

Senator Tarkington—4½ quires letter paper, 2 pencils, 1 inkstand, 4½ packs envelopes, 2½ dozen pens, 2 quires legal paper, 2 pencils, 3 pen holders.

Senator Thompson—2 packs envelopes, 3½ quires, paper, 1 pencil, ½ dozen pens.

Senator Turner—1½ quires letter paper, 5 pens, 1 holder.

Senator Wagner—1½ quires cap paper, 4 quires letter paper, 1 blotter, 2 packs envelopes, ½ dozen pens, 1 pen holder.

Senator Wallace—1 pencil, ½ quire letter paper.

Senator Weir—4½ quires letter paper, 3 packs envelopes.

Senator Williams—1 pack envelopes, 2 pen holders, 2 pens.

Senator Wilson—2 packs envelopes, ½ dozen pens, 1 pen holder, 4¼ quires letter paper.

Assistant Secretary of Senate—2½ reams letter paper, 19½ quires letter paper, 4 packages envelpoes, 1 inkstand, 2½ quires legal cap paper.

Principal Secretary—2 reams and 5¼ quires letter paper, 4½ quires foolscap, 8 packages envelopes, 15 pen holders, 3 pencils, 1 inkstand, 27 steel pens.

Drapier, Reporter—4 quires paper, 2 inkstands.

S. W. Gibbs—2 pack envelopes, 1 pencil, ¼ quire letter paper, 1 quire foolscap.

Enrolling Clerks—1½ quires letter paper, ½ box pens, 1 pack envelopes.

Judiciary Committee—14½ quires paper, 1 inkstand, 8 pen holders, 2 pieces blotting paper, 5 packs envelopes, 1 pencil, 1 dozen pens.

Shortridge, Doorkeeper—3 quires paper, 8 packages envelopes to deliver postage stamps to members in, 3 doz. pens for use of members.

Bank Committee—1 quire cap paper, 1 pen-holder, ½ doz. pens.

Committee on Education—5½ quires paper, 4 packages envelopes, 2 pen-holders, 1 inkstand, 1 blotter, 1½ doz. pens.

A. A. Hammond—17 quires papers, ½ doz. pens, 1 holder, 1 bottle mucilage, 1 brush, 1 pencil.

Finance Committee—1 quire legal cap, 1 doz. pens, 1 pencil, 1 quire letter paper, 1 doz. pens, 1 holder.

Committee on Temperance—¼ quire letter paper..

Committee on Swamp Lands—4 quires letter paper, 1½ fools cap, 2½ doz. pens, 8 pen-holders, 1 pack envelopes.

Committee on Agriculture—1 quire letter paper.

Mr. Wallace, Clerk—2 packs envelopes, 1 pencil, 2 quires paper.

Engrossing Clerks—1 pack of envelopes.

John Rice, Assistant Secretary—½ quire paper.

John Osborne, Doorkeeper—1 pencil.

I would also, in accordance with the resolution of the Senate, report the following as the amount of stationery furnished for the use of the Senate at the extra session:

	Foolscap.	Legal Cap.	Letter.	Note.
November 24	4		4	
November 27		2		
December 2				1
December 9			2	1
December 21			2	1
Total number of reams	4	2	8	3

There was returned to the Secretary of State's office ¼ ream of Congress cap paper and ½ ream of legal cap paper, which would reduce the amount used to 16¼ reams.

There has been furnished the Senate for its use for this session the following:

	Foolscap.	Legal Cap.	Letter.	Note.
January 7, 1859		1		2
January 6, 1859	4		4	
January 13, 1859	2	2	4	4
January 25, 1859		3	6	
Total number of reams	6	6	14	6

There is on hand stationery enough to last about one week.

The amount of stationery used thus far in the session exceeds that used during the entire extra session of thirty-six days.

I am not aware that any blame whatever is to be attached to the officer who distributes the stationery, but evidently the power of ordering and superintending its distribution should be concentrated in the hands of one man. Thus there could be no doubt, were abuses to occur, as to whom the responsibility should be charged. As it now stands, blame may be laid at the door of the officer who orders or at the door of the officer who distributes, when perhaps both might be to blame, or perhaps neither.

I am, under the present system, simply charged with the duty of ordering such stationery as may be required, and am in no wise enabled to control its distribution. The Doorkeeper, on the other hand, is unable to exercise any control in its distribution. The abuse is not in the officers but in the system.

The undersigned would therefore most respectfully request to be excused from any further connection with the stationery department in its present shape.

The following is a list of articles purchased, and where purchased, during the extra session:

1 doz. chairs, cane seat, bought of John Ott	$14 00
2 reams legal cap, bought of Merrill & Co.	8 00
2 scrub brushes, bought of B. F. Tuttle	20
2 coffee sacks, bought of B. F. Tuttle	10
½ doz. small paint brushes, bought of R. Browning	50
12 pieces of ribbon, bought of A. B. Willard & Co	3 00

The following is a list of other stationery furnished by the Secretary of State other than paper during the extra session:

2 reams wrapping paper,
6 gross pens (7 were furnished, but 1 was returned),
4 large inkstands,
30 small "
2 sheets blotting paper,
6 boxes letter envelopes (75 envelopes were returned to Secretary of State),
1 box large envelopes,
4 doz. lead pencils,
2 doz. pen-holders,
1 lb. wafers,
½ doz. bottles extra adhesive mucilage,
1 plain ruler,
1 ball twine,
2 dusters,
½ ream enrolling paper.

The only other items of expense not included in the above are those of repairs made in and about the Senate chamber, made by the Doorkeeper under the direct order of the Senate. The amount is unprecedentedly small.

I am, gentlemen, respectfully,

JAMES H. VAWTER,
Secretary of Senate.

On motion by Mr. Murray,
The Senate adjourned.

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2 o'clock P. M.

The Senate met.

Leave being granted,
On motion by Mr. Weir,
The report of the Secretary of the Senate, pending at the adjournment this morning, was referred to the committee on finance.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate bill No. 50, "a bill to amend the sixteenth section of an act entitled 'an act concerning the partition of lands,' approved May 20, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. McLean, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate bill

No. 68, "a bill to amend the 9th section of an act entitled "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties,' approved June 7th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendments:

Amend by inserting after the word "moneys" the word "remaining."

Amend by adding the following section:

SEC. 2. The clerk receiving from his predecessor in office any moneys under the provisions of this act, shall pay the same out on the proper demand of the person or persons entitled thereto; and said clerk and his sureties shall be liable on the official bond of such clerk for the faithful application of such moneys.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Gooding, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 64, "a bill to render public officers competent to testify as witnesses in actions brought on their relation in the name of the State," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 105, "an act prescribing forms to be used in criminal cases," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it be indefinitely postponed.

Which report was concurred in.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill

No. 55, "an act to amend section 315 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'" have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 77, "a bill to amend the 18th section of an act entitled 'an act concerning real property and the alienation thereof," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Heffren, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 131, "a bill to amend the 207th and 208th sections of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852, so as to authorize a change of venue in certain cases," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendments:

Amend by striking out of section two the words "first and sixth," and insert "third, fourth and fifth."

Amend by inserting before the word "seventh" the words, "first, second and sixth."

Amend section first by inserting after the word "fifth" the following:

"Showing to the satisfaction of the court."

Which report was concurred in.

Mr. Heffren moved that the bill be considered as engrossed and read a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—43.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Bobbs,
The order of business was suspended, and

Senate bill No. 25. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith, and the report of the committee of education thereon, made the special order of the Senate for this morning at 10 o'clock, and which was passed informally over at that hour, was taken up.

Mr. Wagner moved that the report of the committee be concurred in.

Which was agreed to.

The question being, shall the amendment contained in the report of the committee be adopted?

Which was agreed to.

Mr. Heffren moved to amend the bill by adding the following section:

SEC. —. That in all cases where any stocks, or bonds are purchased in accordance with the provisions of this act, the State shall only allow such price as is paid for them in the market where purchased, by the duly authorized agent or agents of the State of Indiana; and that the commissioner or person shall report to each session of the Legislature in detail, from whom such bonds were

purchased, and the price and amount paid for the same in each seperate purchase.

Mr. Weir moved to lay the bill and pending amendment on the table.

Which was not agreed to.

The question being, shall the amendment be adopted?

Which was agreed to.

Mr. Studabaker moved to amend the bill by striking out from the enacting clause and inserting the following:

That it shall be the duty of the Board of Commissioners of the Sinking Fund, as now constituted by law, to distribute said fund as constituted by the one hundred and fourteenth section of an act establishing a State Bank, approved January 28th, 1834, among the different counties of this State in proportion to the number of children in each county, listed for the purpose of common school education, and in such distribution among the several counties the said Board of Sinking Fund Commissioners shall notify the county auditor of such county or counties, as may be entitled to distributive or parts from time to time, of the amount so ready for distribution, and thereupon the said county auditor shall draw his warrant in favor of his respective county treasurer on the Board of Commissioners of the Sinking Fund, for such sum or sums as he may have been notified is ready for distribution for such county. Such treasurer shall present the same to the Board of Commissioners of the Sinking Fund who shall pay the same over to such county treasurer, and such Board of Commissioners shall first distribute in favor of those counties in which a proportion of said fund is not now loaned, in proportion to the number of children in such county listed for school purposes.

Sec. 2. As fast as the said Sinking Fund shall come into the different counties of this State as provided by this act, the same shall be loaned out. The county auditor and county treasurer of their respective counties shall proceed to loan out and invest said fund, so held in trust for common school education, by loaning the same upon real estate security, in the same manner and subject to the same conditions as other common school funds are now loaned by law.

Sec. 3. Each of the said counties of this State shall be liable for the amount so received, and so held in trust for common school education; and if it shall become necessary for the payment or liquidation of the loan or loans, interest or incidental expenses thereof, that may have been negotiated on the part of the State for the payment of the stock in the State Bank, and second and third installments of other stockholders in said bank, the said fund so distributed shall be paid back from the counties to the Sinking Fund Commissioners upon demand thereof, or as soon thereafter as the same can

be collected and made ready, or in such proportion as may be necessary to discharge said debt.

SEC. 4. The auditor and treasurer, and all officers handling or managing said fund, shall be liable on their official bonds for the discharge of their respective duties according to law.

SEC. 5. Said Commissioners of the Sinking Fund shall have full power to buy and purchase the bank bonds, so called, and shall purchase the same when they can do so on reasonable terms, not paying more than market value for the same; and as fast as they may purchase the same, they shall cancel the same, keeping a correct record and description of each bond so canceled, and also shall keep the said bonds for future inspection.

SEC. 6. After the year 1866, when the last of said bank bonds become due and payable according to the condition thereof, the said commissioners shall immediately thereafter pay off and discharge the residue of said bank bonds, if any there be left; and as soon thereafter as possible, collect all debts, and convert all the property of the said Sinking Fund into money, and distribute the same as fast as the same may come in, as required by the provisions of this act.

SEC. 7. In making the distribution, as required by the provisions of this act, the said commissioners are required to equalize the funds now held in trust for common schools, among the different counties of the State, so that when said fund shall have been distributed, each county will have a sum held in trust proportionate to the number of children she may list for school purposes; *Provided*, The congressional township fund shall not be taken into account in making such distribution.

SEC. 8. Said Commissioners of the Sinking Fund shall keep back in their hands a sufficient amount of mortgages and funds to redeem the bank bonds that they shall not distribute, which shall be held as a security for the payment of said bonds.

SEC. 9. Said Commissioners are directed to make prudent and economical use of said funds, and as fast as the same may be collected in their hands to either convert the same in bank bonds or make distribution thereof among the several counties of this State as provided by the provisions of this act.

SEC. 10. Those having borrowed of the said Sinking Fund, whose loans are now due, or may hereafter become due, may take the same up and make payment thereof, by executing mortgages for the amount due, as in the cases of those borrowing from the common school fund, as now loaned in the different counties of this State; and in all cases the borrower shall comply with the provisions of law for the borrowing of said funds, and the recorder of such county may put his certificate to such mortgage, specifying the loan or mortgage, and the amount thereof, if any such shall exist. In all such cases the county auditor shall draw his warrant upon the county treasurer for the amount so loaned, specifying in such order that the same is to be paid from the Sinking Fund, if accepted by the Commissioners

thereof; such orders shall then be presented by the borrower to the treasurer of such county, who shall endorse thereon "accepted," if paid by the Commissioners of the Sinking Fund; such borrower shall then present such order to the said Commissioners of the Sinking Fund, at their office, and if found to be right by them, they shall accept and receive said order on said treasurer, and shall enter satisfaction upon the mortgage and bond by them held, and transmit the same to the auditor of the county where said loan was made, and such auditor shall cause the proper satisfaction of said mortgage to be entered upon the records of the recorder of such county.

SEC. 11. If, upon an appraisement of any such real estate, the proper county auditor would not be authorized to loan under the laws in force for the loaning of common school fund, and in that case the person so wishing to borrow may have an amount equal to the amount the said auditor may be authorized to loan, by paying in money to the Sinking Fund Commissioners, an amount sufficient to complete the payment of his said loan; *Provided*, That nothing in the preceding section shall authorize the said Sinking Fund Commissioners to distribute in any county more than the one proportion of said fund, as provided by this act.

SEC. 12. The interest of the said fund, as the same may be distributed among the different counties of this State, shall be used for the purpose of school education, as other school funds are now used.

SEC. 13. It is hereby declared that from and after the time that said Commissioners of the Sinking Fund shall have distributed said fund, as provided by this act, said office of Sinking Fund Commissioner shall cease to be.

SEC. 14. Said Commissioners of the Sinking Fund shall make out, annually, on the first day of January, a full report of the condition of said fund, showing the amount thereof, the amount loaned on mortgage, and in what counties, the amount of bank bonds purchased, and the amount outstanding, the amount of money on hand, and other matters property connected therewith; and shall submit the same to the Governor of the State, who shall cause five hundred copies thereof to be published and distributed among the different county auditors of this State.

On motion by Mr. Wallace,

The Senate passed informally over the consideration of the amendment pending to permit the reception of a report; and

Mr. Wallace, from a select committee, made the following report:

MR. PRESIDENT:

The special committee, to which was referred Senate bill No. 102, "a bill to amend the third section of an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties

of, and providing compensation for the judges thereof," have had the same under consideration, and report the same back with a recommendation that the amending section be so amended that the counties named in the list herewith reported be erected into districts for common pleas purposes:

Posey and Gibson, a district; Warrick and Vanderburgh, a district; Spencer, Perry and Dubois, a district; Pike, Knox and Daviess, a district; Crawford, Orange, Washington and Harrison, a district; Floyd, Clark and Scott, a district; Jefferson, a district; Switzerland and Ohio a district; Dearborn, Ripley and Franklin, a district; Bartholomew, Jennings and Jackson, a district; Lawrence and Martin a district; Monroe and Brown, a district; Clay, Owen and Greene, a district; Sullivan and Vigo, a district; Johnson and Morgan, a district; Fayette and Henry, a district; Shelby, a district; Wayne and Union, a district; Decatur and Rush, a district; Madison and Hancock, a district; Marion, a district; Hendricks and Putnam, a district; Parke and Vermillion, a district; Fountain, a district; Montgomery and Boone, a district; Tippecanoe and White, a district; Carroll and Clinton, a district; Hamilton, Tipton and Howard, a district; Delaware, Blackford and Grant, a district; Jay and Randolph, a district; Huntington and Wells, a district; Wabash and Kosciusko, a district; Miami and Cass, a district; Warren, Benton and Jasper, a district; Pulaski and Fulton, a district; Noble and Whitley, a district; Adams and Allen, a district; Dekalb and Steuben, a district; Lagrange and Elkhart, a district; Laporte and Starke, a district; Lake and Porter, a district; St. Joseph and Marshall, a district.

Mr. Tarkington moved to concur in the report of the committee with following amendment:

Amend by adding to the district composed of the counties of Monroe and Brown, the county of Morgan.

On motion by Mr. Conner,

The further consideration of the report and bill was postponed until Wednesday, the second day of February, at 10 o'clock, A. M., and made the special order for that hour.

Leave being granted,
Mr. Conley offered the following resolution:

Resolved, That when the Senate adjourns it will adjourn to meet on Monday next, at 2 o'clock, P. M.

Which was not agreed to.

Pending the consideration of the amendment of Mr. Studabaker to Senate bill No. 25,

On motion by Mr. Tarkington,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock,
January 29, 1859.

The Senate met.

The reading of the Journal was dispensed with.

On motion by Mr. Slack,

Resolved, That when the Senate adjourn it will adjourn to meet on Monday at 2 o'clock, P. M.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution thereof:

Resolved, That a joint committee of two on the part of the Senate, and a like number of the House, be appointed to continue the investigation commenced at the extra session, of the alledged frauds in the management of the swamp lands, who shall adopt the evidence already taken in the case, and be authorized to issue subpœnas, send for persons and paper, and administer all oaths necessary;

And that Messrs. Hamilton of Boone and Harney constitute said committee on the part of the House.

The President appointed Senators Green and Williams said committee on the part of the Senate.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 60. An act fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof in each county thereof.

The order of business was suspended, and
Mr. Tarkington introduced

Senate bill No. 142. A bill to amend the 6th, 8th, 9th and 14th sections of "an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1852, also defining the duties of appraisers and deputy appraisers, and the Auditor of State.

Mr. Tarkington moved to suspend the rules and read the bill a first time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Beeson, Brown, Carnahan, Conner, Cooper, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Rice, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir and Wilson—34.

No Senator voting in the negative.

So the rules were suspended and the bill read a first time by its title.

Mr. Tarkington moved to read the bill a second time now by its title.
Which was agreed to; and
The bill was read a second time.

On motion by Mr. Line,
The bill was referred to a select committee of one from each congressional district; and

The President appointed Senators Tarkington, Shoemaker, Anthony, Line, Kinley, Jennings, McLean, Conner, Turner, Hendry and Murray said select committee.

On motion by Mr. Wagner,
The order of business was suspended for the purpose of taking up bills on their second reading.

ORDERS OF THE DAY.

Senate Bills on the Second Reading.

Senate Bill No. 66. A bill to authorize the Auditor of State to declare and pay final dividends on the circulating notes of banking associations organized under an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852,
Was read a second time, and
Referred to the committee on banks.

Senate bill No. 113. A bill to provide for stationery and postage for members of General Assembly of the State of Indiana, to provide for employing reporters, and the publication of the proceedings of the Legislature in certain newspapers, and to provide for the taking of the same,
Was read a second time.

Mr. Tarkington moved to lay the bill on the table.
Which was not agreed to.

On motion by Mr. Heffren,
The bill was referred to the committee on finance.

Senate bill No. 106. A bill to provide for the relief of purchasers of real estate at sheriff's sales under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the Revised Statutes of 1852 took effect, and where such sureties being the owners of such real estate had sold and conveyed the same after becoming such recognizors, but before judgments of forfeiture thereof had been taken,
Was read a second time, and
Referred to the committee on the judiciary.

Senate bill No. 108. A bill to amend section four, five, eighteen, twenty, twenty-one and twenty-two of "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852, and repealing sections twenty-nine and thirty of said act, and adding provisions supplemental thereto,
Was read a second time; and
Referred to the committee on the judiciary.

Mr. Slack moved that the committee be instructed to amend the bill as follows:

Amend the ——— section so as to authorize the empannelling of a jury.

Which was not agreed to.

Senate bill No. 110. A bill to prohibit clerks of the circuit and common pleas courts, and their deputies, from practicing as attorneys at law in the courts of which they are clerks or deputies, and from practicing law in the courts of this State,

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 109. A bill to amend sections 1 and 2 of an act entitled "an act to provide compensation to the owners of animals killed and injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1st, 1853,

Was read a second time; and

Referred to the committee on corporations.

Senate bill No. 111. A bill to amend the 6th section, of the 37th chapter, of the revised code of 1852, respecting costs in criminal cases,

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 114. A bill authorizing the State Board of Education to purchase and place in the county and township libraries of the State, copies of the Indiana School Journal.

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 115. A bill to amend the 327th section, of article 18, of chapter 1, Revised Statutes of 1852, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of practice and pleading, without distinction between law and equity,"

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 117. A bill to amend the 238th and 241st sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to provide

for the examination and taking the depositions of parties as witnesses in civil actions and proceedings,"

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 118. A bill to amend the 1st section of an act entitled "an act to apportion Senators and Representatives for the next four years," approved March 9th, 1857,

Was read a second time; and

On motion by Mr. Murray,

Referred to a select committee of Senators whose districts would be changed by the bill.

The President appointed Senators Murray, Rice, Wagner, Turner, Miller and Conner said select committee.

Senate bill No. 119. A bill to amend section five of an act entitled "an act concerning the partition of land,"

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 120. A bill to amend an act entitled "an act to amend an act entitled 'an act defining misdemeanors and prescribing punishment therefor,'" approved February 19, 1857,

Was read a second time; and

Referred to the committee on judiciary.

Senate bill No. 123. A bill to amend sections 142 and 143 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and repealing conflicting laws,

Was read a second time; and

Referred to the committee on organization of courts.

Senate bill No. 122. A bill supplemental to an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855; and all other laws or parts of laws inconsistent herewith, approved Feb. 5, 1857,"

Was read a second time; and

Referred to the committee on the State Prison.

Senate bill No. 124. A bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State

of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State,"

Was read a second time; and

Referred to the committee on finance.

On motion by Mr. Green,

The order of business was suspended to permit the introduction of a petition.

Mr. Green presented the petition of John G. Stepheson;

Which,

On motion,

Was referred to the committee on finance.

Senate bill No. 127. A bill to amend the 18th, 25th and 26th sections of an act entitled "an act regulating descent and the apportionment of estates," approved May 14, 1852,

Was read a second time; and

Referred to the committee on the judiciary.

Senate bill No. 128. A bill in relation to the publication of legal advertisements,

Was read a second time; and

Referred to the committee on the organization of courts.

Senate bill No. 129. A bill declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor,

Was read a second time.

Mr. Murray moved to amend the bill by adding "blind" after "insane."

Which was agreed to; and

On motion,

The bill was referred to the committee on the judiciary.

Senate bill No. 130. A bill to prevent the sale of adulterated liquors, to prevent adulteration, and to prescribe punishment therefor,

Was read a second time; and

On motion by Mr. Cooper,

Referred to a select committee of five.

The President appointed Senators Cooper, McLean, Stevens, Heffren and Beeson said select committee.

Senate bill No. 132. A bill for the better protection of the Sabbath, with penalties for the violation thereof, and to repeal an act en-

titled "an act for the protection of the Sabbath, and providing penalties for the desecration thereof,"

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 133. A bill respecting the removal of executors, administrators and guardians, and the appointment of commissioners to settle their trusts in certain cases,

Was read a second time; and

Referred to the committee on the judiciary.

Senate Bill No. 134. A bill providing for the assessment of taxes for township library purposes,

Was read a second time, and

On motion,

Referred to the committee on education.

Senate Bill No. 135. A bill to provide for issuing fee bills and executions against sureties for costs in suits brought by non-residents in the Circuit Courts and Courts of Common Pleas,

Was read a second time.

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 136. A bill for the recovery of damages from any officer of this State who shall illegally charge, demand or collect more than is legally due him as fees, and requiring such officers to receipt for all money collected,

Was read a second time, and ordered to be engrossed and read a third time to-morrow.

Senate Bill No. 137. A bill to amend an act entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,"

Was read a second time; and

On motion by Mr. Lomax,

Referred to a select committee of five.

The President appointed Senators Lomax, Tarkington, Heffren, Murray and Beeson said select committee.

The order of business was suspended, and

Mr. Wallace introduced

Senate Joint Resolution No. 10. A joint resolution on the subject of the Wabash and Erie Canal.

Mr. Conner moved to refer the joint resolution to the committee on canals and internal improvements.

Mr. Wallace moved to lay the motion to refer on the table.

The ayes and noes being demanded by Senators Wallace and Gooding,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Cooper, Gooding, Jennings, Johnston, Jones, Line, Lomax, O'Brien, Robinson, Studabaker, Wallace, Williams and Wilson—19.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Conner, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hill, Kinley, McLean, March, Murray, Odell, Rice, Slack, Steele, Tarkington, Thompson, Turner, Wagner and Weir—23.

So the motion was not laid on the table.

The question being, shall the joint resolution be referred to the committee on canals and internal improvements?

The ayes and noes being demanded by Senators Wallace and Gooding,

Those who voted in the affirmative were,

Messrs. Beeson, Bobbs, Carnahan, Conner, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hill, Jones, Kinley, McLean, March, Murray, Odell, Rice, Slack, Steele, Studabaker, Tarkington, Thompson, Wagner and Weir—25.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Brown, Cooper, Gooding, Jennings, Johnston, Line, Lomax, O'Brien, Robinson, Wallace, Williams and Wilson—15.

So the joint resolution was referred to the committee canals and internal improvement.

On motion by Mr. Murray,
The Senate adjourned.

MONDAY, 2 o'clock, P. M., }
January 31, 1859. }

The Senate met.

The Journal of Saturday was read.

A message from the House by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment:

Senate bill No. 3. A bill attaching the counties of Hancock, Madison, Hamilton, Tipton and Howard to the seventh judicial circuit, and fixing the time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith.

SPECIAL ORDER.

The Senate proceeded to the consideration of Senate bill No. 2, a bill regulating the choosing of United States Senators by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing, made the special order for to-day at 2 o'clock, P. M.

Mr. Heffren moved to indefinitely postpone the further consideration of the bill.

The ayes and noes being demanded by Senators Wallace and Heffren,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Carnahan, Conner, Cooper, Culver, Green, Hargrove, Heffren, Kinley, Lomax, McClure, McLean, O'Brien, Odell, Slack, Steele, Stevens and Tarkington—20.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Brown, Cobb, Craven, Fisk, Gooding, Hamilton, Hendry, Hill, Johnston, Jones, Line, March, Rice, Robin-

son, Studabaker, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—24.

So the bill was not indefinitely postponed.

Mr. Heffren moved to amend the bill by striking out from the enacting clause and inserting the following:

That at any session of the Legislature of this State when there is, or will be, prior to the next session of the General Assembly, a vacancy or vacancies in the Senate of the United States from this State, it shall be the duty of such Legislature to proceed to fill such vacancy or vacancies in the manner hereinafter provided.

SEC 2. Whenever the Legislature shall be required to elect a United States Senator or Senators, under the provisions of this act, such election shall be had on the second Tuesday after the meeting of the Legislature; but nothing in this act shall be so construed as to prevent the Legislature, if a choice be not made on the day above specified, from continuing such election from day to day until an election shall be had, in the manner herein provided.

SEC. 3. In all elections held under the provisions of this act, the vote shall be first had in each House separately, but no person shall be declared duly elected unless he shall have received a majority of all the votes of each House so separately had.

SEC. 4. If an election shall not be had in the manner provided in the preceeding section on the first vote taken, then the voting in the manner provided shall be continued until an election shall be had, or until the tenth vote shall be had, then, if no choice shall have been made, the two Houses shall meet *instanter* in joint convention, in the Hall of the House of Representatives, the President of the Senate presiding, and then and there proceed to the election of a Senator, or Senators, as the case may be, but no person shall be declared duly elected, under the provisions of this section, unless he shall have received a majority of all the votes of the General Assembly.

SEC. 5. A full and complete record shall be made of all the proceedings had pertaining to such election, and a certified copy of the same, signed by the clerk and presiding officer, shall be immediately filed with the Secretary of State.

SEC. 6. The Secretary of State, after receiving such certified copy of the record aforesaid, shall make out, under his hand and seal, a certificate of election to the person or persons so elected, specifying the beginning and ending of the term for which he was elected.

On motion by Mr. Wallace,

The further consideration of the bill and pending amendment was postponed until Monday next at 2 o'clock, P. M., and made the special order for that hour.

Leave being granted,
Mr. Conley introduced the following resolution:

Resolved, That the Superintendent of the Indiana Hospital for the Insane be instructed to report to the Senate as soon as practicable, the amount of money paid out of the county treasury of Wabash county, upon the draft of the Board of Directors of said Hospital, during the year 1857, as also the amount paid out by other counties of the State, during that period; also, what counties, if any, have had lunatics in said Hospital during that period, and have not paid any such amounts; also, what inequality, if any, there has been in such payments.

Which was agreed to.

On motion by Mr. March,
The order of business was suspended, and
The following messages from the House taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 67. An act supplemental to an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof, approved May 31st, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 67, contained in the foregoing message,
Was read a first time.

Mr. Wallace moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Stu-

dabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—46.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Slack,
The bill was referred to the committee on the judiciary.

Leave being granted,
On motion by Mr. Wagner,

Senate bill No. 85. A bill to provide for a general system of common schools, the officers thereof, and their respective powers, duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,
Was taken from the table.

On motion by Mr. Slack,
The bill was referred to the committee on education.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

Senate bill No. 116. A bill to repeal all laws now in force establishing the times of holding circuit courts in the second judicial circuit, and to fix the time of holding said courts.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the House, to-wit:

House bill No. 11. A bill to amend section 21 of an act providing for the organization of county boards, and prescribing some of their powers and duties, so as to allow commissioners to make a levy of not less than one-tenth of one per cent.
In which the concurrence of the Senate is respectfully requested.

House bill No. 11, contained in the foregoing message,
Was read a first time.

Mr. March moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Hamilton, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—42.

Senators Hargrove and Hendry voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. March,
The bill was referred to the committee on county and township business.

On motion by Mr. Slack,
The Senate adjourned.

TUESDAY MORNING, 9 o'clock,
February 1, 1859.

The Senate met.

The journal of yesterday was read.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred House bill

No. 67, "an act supplemental to an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage

Which report was concurred in.

Mr. Slack moved that the bill be read a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Rice, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner, Wallace, Weir, Williams and Wilson—40.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Steele presented the petition of sundry citizens of the counties of Parke and Fountain on the subject of the Wabash and Erie Canal,

Which,

On motion,

Was referred to the committee on canals and internal improvements.

Mr. Tarkington, from the committee on education, made the following report:

Mr. President:

The committee on education, to whom was referred Senate bill No. 62, "a bill for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto," have

considered the same, and direct me to report it back and recommend its passage.

Which report was concurred in.

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills would respectfully report that they have compared the enrolled with the engrossed copy of Senate bill No. 116, "a bill to repeal all laws now in force establishing the times of holding circuit courts in the second judicial circuit, and to fix the times of holding said courts," and find the same correct.

Mr. Rice, from the committee on education, made the following report:

MR. PRESIDENT:

The communication of Prof. Caleb Mills, solicited by the committee on education, on the subject of the school law of Indiana, the necessity of its revision to more effectually meet the demands of education throughout the State, having been referred to the committee on education, and having been duly considered by the same, I have been directed to report it back to the Senate with the recommendation that five hundred copies of the same be printed.

Which report was concurred in.

Mr. McLean, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred Senate Joint Resolution No. 5, "a joint resolution for the purpose of taking the sense of the Legislature upon the subject of distributing such school funds as may arise by the acts of the Legislature or otherwise," have properly considered the same, and have directed me to report it back and recommend favorable action on the same.

On motion by Mr. Gooding,

The report was laid on the table.

Mr. Heffren, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred Senate bill No. 39, "an act to amend an act providing for the election of clerks of the circuit court, and prescribing some of their duties," approved June 7th, 1852, have duly considered the same, and have directed me to report it back and recommend its passage.

Which was concurred in, the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Studabaker, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate Bill No 71, "a bill to incorporate the Indiana School of Practicable Sciences," have had the same under consideration, according to order, and instruct me to report that, in the opinion of your committee, the proposed enactment is in conflict with the 13th section of the ninth article of the Constitution, which provides that corporations other than banking shall not be created by special act, but may be formed under general laws, and further, the general laws now in force for the creation of corporations are sufficient for the objects sought in the proposed enactment, and that further legislation on the subject is unnecessary. Therefore, your committee recommend that the bill be laid on the table, and ask to be discharged from the further consideration of the subject;

Which report was concurred in.

Mr. Williams, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred the resolution of Mr. Stevens, to inquire into the expediency of giving county commissioners power to levy a tax for making gravel or turnpike roads, when a majority of the voters of a township or county petition therefor, and report by bill or otherwise, have had the same under consideration, and have directed me to report the same back and recommend that it be indefinitely postponed;

Which report was concurred in.

Mr. Weir, from the committee on the State Prison, made the following report:

MR. PRESIDENT:

The committee on the State Prison, to whom was referred Senate

Bill No. 122, "a bill supplemental to an act entitled 'an act to provide for the government and discipline of the State Prison,' and to repeal an act to provide for the government and discipline of the State Prison, approved March 3d, 1855, and all other laws or parts of laws inconsistent therewith," approved February 5th, 1857, have had the same under consideration, and unanimously agreed to report the same back to the Senate and recommend its passage, with the following amendment:

Amend so as to make the following the fifth section of the bill:

"SEC. 5. It shall be the duty of the Warden to read to each convict this act upon his entering the Prison, and also from time to time, as often as once in two months at least, to read or cause the same to be read to all the convicts confined in the State Prison;"

Which report was concurred in.

The question being, shall the amendments be adopted,

It was agreed to.

Mr. Gooding moved to amend the bill so as to provide that where a prisoner shall have been sentenced to the State Prison for life that he shall be discharged at the end of twenty-one years' service; provided his conduct shall have been good during the said twenty-one years.

Mr. March moved to amend the amendment by adding to the amendment "and shall give satisfactory evidence of a change of character."

Mr. Hargrove moved to lay the amendment to the amendment on the table.

Mr. Carnahan moved to amend the motion so as to lay the bill and pending amendments on the table.

Mr. Green called for a division of the question.

The question being then put, shall the amendment to the amendment be laid on the table?

Which was agreed to.

The question then being, shall the amendment be laid on the table?

Which was agreed to.

The question then being, shall the bill be laid on the table?

Which was not agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Steele, chairman of the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred Senate bill No. 7, "a bill to prohibit the issue of unauthorized paper currency and uncurrent and broken bank bills," have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it be laid on the table;

Which report was concurred in.

Mr. Gooding, chairman of the committee on temperance, made the following report:

MR. PRESIDENT:

A majority of the committee on temperance, to whom was referred Senate bill No. 97, "a bill to prevent the retailing of spirituous and intoxicating liquors, to provide punishment for a violation thereof, also to provide for the duties, compensation and punishment of officers in relation thereto, and to repeal all former laws on the subject of vending spirituous and intoxicating liquors," have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it be laid on the table; the committee also direct me to report the following bill and recommend its passage.

Senate bill No. 143. A bill to regulate and restrict the sale, barter or giving away of spirituous and intoxicating liquors to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons under certain circumstances, and to punish any violation of any of the provisions of this act, and declarative of the duties of district or city attorneys in relation thereto, and affixing the penalty for neglect or failure to discharge said duties.

Which report was concurred in.

The question was then put, shall Senate bill No. 97 be laid upon the table?

Which was agreed to.

Senate bill No. 143, accompanying the foregoing report, was laid on the table to be taken up in its regular order.

Mr. Williams, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Mr. Thompson's resolution of inquiry into the expediency of

requiring constables to file their official bonds with the treasurer of the township, have had the same under consideration, and direct me to report that such legislation is inexpedient.

Which report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Tarkington, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred Senate bill No. 142, "a bill to amend sections 6, 8, 9 and 14 of an act entitled 'an act to provide for the appraisement of real estate, also prescribing the duties of officers,' &c., report that they have had the same under consideration, and report it back and recommend its passage;

Which report was concurred in.

Mr. Tarkington moved to consider the bill as engrossed, and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

Mr. Murray moved to amend the 8th section, in line ——, by strinking out "county" and inserting "township."

Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McLean, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Wallace, Weir, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Bennett, Gooding, Heffren, March, Studabaker and Turner—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Fisk, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 10, "a bill to regulate and restrain the sale and disposal of intoxicating and spirituous liquors, to prevent crime, and to punish the same, and to repeal all laws conflicting with this act," have had the same under consideration, and direct me to report the same back, with the following amendments, and when so amended to recommend its passage:

Amend, 1st. Strike out the word "two," in line 6, section second, and insert the word "four."

2d. In line 9, same section, strike out the word "four" and insert "six."

3rd. In line 11, section third, strike out the words "five hundred" and insert "two hundred and fifty."

4th. In line 8, section fourth, strike out "ten" and insert "twenty-five," also, in same line, strike out "one" and insert "two."

5th. Strike out section seven and insert the following:

SEC. 7. Every person who shall become intoxicated, and when so intoxicated, make or raise a disturbance or quarrel, in or about any public place, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be liable to work one day on the public highway for each office, under the orders of the supervisor of roads at such place as he shall direct, and in charge of the constable, who shall receive two dollars per day for every day engaged in working such person, which shall be taxed as costs against the defendant, and the defendant shall stand committed to the county jail until the costs are paid or replevied.

Mr. Conner moved to lay the bill and pending amendments reported by the committee on the table.

The ayes and noes being demanded by Senators Weir and Fisk.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Brown, Carnahan, Cobb, Conner, Cooper, Green, Hargrove, Heffren, Hendry, Johnston, Lomax, McClure, McLean, Robinson, Stevens, Wagner and Wallace—19.

Those who voted in the negative were,

Messrs. Blair, Craven, Fisk, Gooding, Hamilton, Hill, Jones, Kinley, Line, March, Murray, O'Brien, Rice, Slack, Steele, Tarkington, Thompson, Turner, Weir, Williams and Wilson—21.

So the bill and pending amendments were not laid on the table.

The amendments were then separately taken up and considered.

The first and second amendment proposed by the committee were adopted.

Mr. Slack moved to amend the third amendment proposed by the committee by striking out all that requires the payment of money for license.

Pending the consideration of which,
On motion by Mr. Murray,
The Senate adjourned.

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2 o'clock P. M.

The Senate met.

SPECIAL ORDER.

The Senate proceeded to the consideration of Senate Joint Resolution No. 9, "a joint resolution relative to admission of the Territory of Kansas into the Union as a State," made the special order for to-day at 2 o'clock, P. M.

Mr. Hamilton moved to postpone the further consideration of the Joint Resolution until the 7th day of January, *Anno Domini* 1860.

Mr. Cobb moved to lay the motion to postpone on the table.
Which was agreed to.

Mr. Green offered the following amendment to the joint resolution:

Amend by adding, in the proper place, the following:
That the State of Indiana never instructed her representatives to give any vote, she never could instruct them to give any vote, and, so help us God, no earthly power can even induce her to instruct them to give any vote to carry slavery, directly or indirectly, one inch beyond where it now exists.

Mr. Gooding moved to lay the amendment on the table.

Mr. Heffren moved to amend the motion so as to lay the joint resolution and pending amendment on the table.

Mr. Gooding called for a division of the question.

The question being, shall the amendment be laid on the table? The ayes and noes being demanded by Senators Studabaker and Johnston,

Those who voted in the affirmative were,

Messrs. Cobb, Fisk, Gooding, Hargrove, Johnston, Jones, Lomax, McClure, McLean, Miller, Odell, Robinson, Shoemaker, Studabaker, Tarkington, Wallace and Wilson—17.

Those who voted in the negative were,

Messrs. Beeson, Blair, Bobbs, Brown, Conner, Craven, Culver, Green, Hamilton, Heffren, Hendry, Hill, Kinley, March, Murray, Steele, Thompson and Weir—18.

So the amendment was not laid on the table.

Senators Bennett, Carnahan, Slack and Stevens being in their seats refused to vote.

The question being, shall the joint resolution be laid on the table? The ayes and noes being demanded by Senators Wallace and Gooding,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Kinley, Line, Lomax, McClure, March, Slack, Steele, Stevens, Tarkington and Thompson—25.

Those who voted in the negative were,

Messrs. Gooding, Hamilton, Jennings, Johnston, Jones, Miller, Murray, Odell, Robinson, Shoemaker, Studabaker, Wallace, Weir and Wilson—~~15.~~ 14

So the joint resolution was laid on the table.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 67. An act supplemental to an act entitled "an

act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31st, 1852.

Senate bill No. 116. An act to repeal all laws now in force establishing the times of holding circuit courts in the second judicial circuit and to fix the times of holding said courts.

Senate bill No. 3. An act attaching the counties of Hancock, Madison, Hamilton, Tipton and Howard to the seventh judicial circuit, and fixing the time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith.

The Senate resumed the consideration of the amendment reported by the special committee to Senate bill No. 10, pending at adjournment.

Mr. Line moved to lay on the table the amendment of Mr. Slack to the third amendment reported by the committee.

The ayes and noes being demanded by Senators Gooding and Heffren.

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Craven, Culver, Fisk, Gooding, Green Hamilton, Hargrove, Jennings, Jones, Kinley, Line, McLean, Miller, Murray, Odell, Rice, Robinson, Studabaker, Tarkington, Turner, Wallace, Weir, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Brown, Conner, Heffren, Hendry, Hill, Johnston, Lomax, McClure, March, Shoemaker, Slack, Steele, Stevens, Thompson and Wagner—18.

So the amendment was laid on the table.

Mr. Kinley moved to amend the third amendment offered by the committee "by striking out all that part of the bill relating to licenses."

Mr. Weir moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Bennett and Green.

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Jones, Line, McLean, Miller, Murray, Odell, Rice, Robinson, Slack, Steele, Studabaker, Wallace, Weir, Williams and Wilson—23.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Brown, Conner, Cooper, Craven, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, March, Stevens, Tarkington, Thompson, Turner and Wagner—20.

So the amendment to the amendment was laid on the table.

Mr. Green moved to amend the third amendment proposed by the committee by striking out "two hundred and fifty" and inserting "one thousand."

Mr. Fisk moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Gooding and Green,

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Culver, Fisk, Hargrove, Jennings, Johnston, Line, Lomax, McClure, Miller, Murray, Odell, Rice, Shoemaker, Slack, Steele, Studabaker, Tarkington, Wallace, Weir, Williams and Wilson—23.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Brown, Conner, Cooper, Craven, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jones, Kinley, McLean, March, Robinson, Stevens, Thompson, Turner, and Wagner—22.

So the amendment to the amendment was laid on the table.

Mr. Murray moved to lay the third amendment of the committee on the table.

Which was agreed to.

Mr. Studabaker moved to lay the fourth amendment of the committee on the table.

Which was not agreed to.

The fourth amendment was then adopted.

Mr. Hargrove moved to lay the fifth amendment of the committee on the table.

The ayes and noes being demanded by Senators Slack and Heffren.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—42.

Those who voted in the negative were,

Messrs. Heffren, Hill, March and Weir—4.

So the amendment was laid on the table.

Mr. Murray moved to amend the bill by striking out all after the word "be" in section seven, and inserting "deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than two dollars nor more than ten dollars."

Which was agreed to.

Mr. Beeson moved to amend the bill by striking out from the enacting clause and inserting the following:

That any place, saloon, eating-house, store, tavern, shop, boat, booth, tent, shed, wagon, house, out-house, yard, or appurtenance thereto, or other place of public resort or business, wherein, or at which spirituous, intoxicating or malt liquors shall be sold or bartered, directly or indirectly, to be drank in or about such place, saloon, eating-house, store, tavern, shop, boat, booth, shed, tent, wagon, house, out-house, yard, or appurtenance thereto, or other place of public resort or business, shall be and the same is hereby declared to be a common and public nuisance.

SEC. 2. If the owner or keeper of any saloon, eating-house, store, tavern, shop, boat, booth, tent, shed, out-house, yard, or appurtenance thereto, or other place of public resort or business, shall suffer or allow spirituous, intoxicating or malt liquors to be drank in or about his or her saloon, eating-house, store, tavern, shop, boat, booth, tent, shed, out-house, yard, or appurtenance thereto, or other place of public resort or business, except by members of his or her own family, or persons in his or her employ, he or she so allowing said liquors to be drank as aforesaid shall be guilty of maintaining a common and public nuisance.

SEC. 3. Every person who shall keep, continue or maintain any such common or public nuisance or nuisances, as defined in sections one and two of this act, shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars for the first offense, and for the second and each subsequent offense, shall be fined in any sum not less than fifty dollars each, to which may be added imprisonment in the county jail for any term of time not less than five days, and shall stand committed until said fine is paid or replevied.

SEC. 4. If two or more persons of lawful age and competent to testify shall, upon written affidavit before any person authorized to administer oaths, state that a certain person, naming him or her, use spirituous, intoxicating or malt liquors to excess, and to the neglect of his or her business, or to the injury of his or her family, it shall not be lawful for any person having knowledge of the making of such affidavit, either to give, barter or sell to such person named in such affidavit, spirituous, intoxicating or malt liquors in any quantity whatever, and if any person having knowledge of such affidavit shall either give, barter or sell to such person named in such affidavit, any spirituous, intoxicating or malt liquors in any quantity whatever, unless the same shall be prescrided by a physician in case of sickness, within twelve months after the filing of such affidavit as aforesaid, such person so giving, bartering or selling such liquor as aforesaid, to such person named in such affidavit, shall be guilty of misdemeanor, and upon conviction shall be fined in anv sum not less than ten dollars for the first offense, and for the second and all subsequent offences shall be fined not less than twenty-five dollars in each case, to which may be added imprisonment in the county jail for any term of time not less than three days.

SEC. 5. If any person so named in the affidavit in the preceeding section shall be seen in a state of intoxication, after the filing of such affidavit, it shall be the duty of any constable of a township, or marshal of a city, when notified that such person is or was intoxicated, to immediately arrest such person and take him before some justice of the peace or mayor of a city, of the proper county, and such person shall be compelled to testify before such justice or mayor as to who gave, bartered or sold him or her such liquor, and upon his or her refusal to so testify, such justice or mayor shall have the power to compel him or her so to do by fine or imprisonment in the county jail, or both, at the discretion of such justice or mayor.

SEC. 6. Justices of the peace and mayors of cities shall have concurrent jurisdiction with the court of common pleas in the trial of all cases originating under the provisions of this act, and in trials before justices and mayors, fines to the extent of fifty dollars may be assessed, and also imprisonment in the county jail not exceeding ten days.

SEC. 7. If any person shall be found in the street or public highway, or in any other public place, in a state of intoxication, he shall be deemed guilty of a misdemeanor and upon conviction, before any

justice of the peace or mayor of a city, shall be fined in any sum not less than one nor more than three dollars for each offense.

SEC. 8. The attorney whose duty it is made by law to prosecute misdemeanors shall, when informed by two or more persons in writing of the existence of any such nuisance as defined and designated by sections one, two and eleven of this act, or of any person being guilty of a misdemeanor, as defined in sections four and seven of this act, immediately commence a prosecution against such person or persons so named as being guilty of such misdemeanor or maintaining such nuisance, by himself filing the affidavit on information, or procuring some other person so to do, before some court having jurisdiction of the offense, to faithfully prosecute such person or persons upon such charge; and on his failing to commence such proceedings and faithfully prosecute the same against such person or persons he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in each case not less than one hundred dollars, to which may be added imprisonment in the county jail for any term not exceeding ten days. Nothing herein shall be so construed as to prevent any person from filing an affidavit on which to base a prosecution for the violation of any of the provisions of this act.

SEC. 9. The prosecuting attorney shall have no power to compromise or discontinue prosecutions commenced under this act, unless by consent of the court, and should he do so without such consent being first given, he shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred dollars, to which may be added imprisonment in the county jail for any term of time not exceeding ten days.

SEC. 10. The prosecuting attorney shall receive for his services under this act, a docket fee of five dollars for each conviction under sections one, two, four and eleven, and also twenty per cent. on the amount of the fine in each case, and in addition thereto, to be paid by the defendant. For all convictions under section seven of this act he shall receive a docket fee of two dollars and fifty cents. For the collection of all forfeited recognizances under and by virtue of this act, he shall receive for his service a docket fee of twenty per cent. on the amount of such recognizances, and in addition thereto, to be paid by the recognizancy.

SEC. 11. If any person who is engaged in the sale or traffic of spirituous, intoxicating or malt liquors shall permit or suffer any intoxicated or disorderly person or persons to be in or about his or her place of business, or if he or she shall resort to any device by stained glass or otherwise, to conceal from those passing by, what is transpiring therein, or shall erect any screen or other device within such establishment for a like purpose, it shall be taken as conclusive evidence that such person is selling spirituous or malt liquors, and allowing to be drank therein, in violation of the provisions of sections one and two of this act, and such place shall be and the same is hereby declared to be a common and public nuisance, and upon conviction for

keeping, continuing or maintaining such nuisance such person shall be liable to the penalties prescribed in section three of this act.

SEC. 12. All laws or parts of laws upon the subject of vending spirituous, intoxicating or malt liquors are hereby repealed.

SEC. 13. Appeals shall be allowed from all decisions under this act to the circuit court, the defendant giving bond and security in such sum as the court may prescribe.

SEC. 14. In the opinion of this Legislature an emergency exists for the immediate taking effect of this act, the same is therefore hereby declared to be in force from and after its passage.

Mr. Wallace moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Wallace and Beeson,

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Conner, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Line, Lomax, McClure, McLean, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Tarkington, Wallace, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Brown, Cooper, Craven, Green, Hendry, Hill, Johnston, Jones, Kinley, March, Steele, Stevens, Thompson and Turner—18.

So the amendment was laid on the table.

On motion by Mr. Turner,
The Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK,
February 2, 1859.

The Senate met.

The journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hill presented the petition of a large number of citizens and voters of the county of Randolph on the subject of interest on money;

Which was referred to the committee on finance.

Mr. Bobbs presented petitions of sundry citizens of the State on the subject of temperance;

Which,

On motion,

Was referred to the committee on temperance.

Mr. Brown presented the petition of sundry printers asking that no reduction should be made on the prices of public printing;

Which,

On motion,

Was referred to the committee on printing.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 119, "a bill to amend section five of an act entitled "an act concerning the partition of land," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 111, "a bill to amend the 6th section, of the 37th chapter, of the revised code of 1852, respecting costs in criminal cases," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 120, "an act to amend an act entitled "an act defining misdemeanors and prescribing punishment therefor,' approved February 19, 1857," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Heffren, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 110, "a bill to prohibit clerks of the circuit and common pleas courts, and their deputies, from practicing as attorneys at law in the courts of which they are clerks or deputies, and from practicing law in the courts of this State," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 129, "a bill declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

MR. Culver, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred Senate bill No. 80, "a bill to amend section 2 of an act to authorize the commissioners of the Sinking Fund to receive substitution of stock mortgages, and for other purposes, approved June 28th, 1857," have

had the same under consideration, and have directed me to report that its further consideration be indefinitely postponed.

Which report was concurred in.

Mr. Conner, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 18, "a bill authorizing any corporation under the general laws of the State to borrow money and secure the repayment thereof by mortgage," have had the same under consideration, and have directed me to report the same back, with the following amendments, and when so amended, to recommend its passage:

Amend section 1st by striking out of the ninth line the words, "or at such rates of interest."

Which report was concurred in.

The question being, shall the amendment be adopted?

It was agreed to.

Mr. Studabaker, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 45, "a bill to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State," have had the same under consideration, and have directed me to report the same back, with the following amendments, and when so amended, to recommend its passage:

Amend section second by striking out all after the word "company" in the sixth line.

After the second section add the following:

SEC. 3. Whenever any animal or animals shall be killed or injured by the cars, locomotives or other carriages on any railroad in this State, where said railroad crosses any street, alley or public highway, or at any other point on any railroad where the same cannot be fenced, such killing or injury shall be *prima facie* evidence of the negligence on the part of such railroad company.

Mr. Culver, from the committee on corporations, made the following minority report:

MR. PRESIDENT:

The undersigned, a minority of the committee on corporations, to whom was referred Senate bill No. 45. This bill among other things provides for making railroad companies absolutely liable for all animals killed at streets, alleys or highways, or at all points where the road cannot be fenced.

The amendment proposed to the bill by the majority of the committee does in effect release railroad companies from all liability for stock killed at the points specified. The amendment proposed is to make the "killing of animals on streets, alleys and highways *prima facie* evidence of neglect upon the part of railroad companies."

The bill with this amendment will screen such corporations entirely from any liability. No prosecutions for damages under this amendment can be successfully made—we think is obvious to any candid sane mind. To be exempt, their employees have only to swear that the killing or injuring of stock was an accident and no neglect upon their part. This testimony would be a full release under this bill, as proposed to be amended, being a legalized bid for perjury.

We consider the bill with the proposed amendment a legislative act of injustice, for the benefit of corporations, at the exclusion of the rights of private citizens, and assert the principle that the Legislature has no right, under the constitution of our State, to charter any corporation that would destroy the property of a private citizen without due compensation to the owner.

With this view of the facts we hope the Senate will not concur in the amendment proposed. But if concurred in, for the reverence we hold for truth, we hope the title of the bill will be changed to read as follows:

"An act to provide for railroad companies full power to knock down, kill, mangle, injure, or destroy any animal belonging to any citizen of this State, on any street or highway; *Provided*, The President, Superintendent or employees, including section hands, will swear that the knocking down, mashing, killing or injuring was not the result of negligence."

We therefore recommend the bill without any amendment.

M. C. CULVER,
HERVY CRAVEN.

The question was then put, shall the first amendment proposed by the majority of the committee be adopted?

The ayes and noes being demanded by Senators Weir and Culver,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Cobb, Conner, Cooper, Green, Hamilton, Hendry, Jennings, Jones, Lomax, March, Murray, Robinson, Shoe-

S. J.—24.

maker, Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Weir and Wilson—24.

Those who voted in the negative were,

Messrs. Brown, Carnahan, Craven, Culver, Fisk, Hargrove, Heffren, Hill, Johnston, Kinley, Line, McClure, Miller, O'Brien, Odell, Rice and Wallace—17.

So the amendment was adopted.

Mr. Murray moved to amend the second amendment proposed by the committee by striking out the same and substituting the following:

SEC. 3. Whenever any stock or other property shall be killed or injured by the cars, locomotives or other machinery of any railroad company, at the crossing of any street, alley or highway where the same cannot be fenced, the said company shall be liable for two-thirds of the value of such property killed or injury done, but if on suits brought to recover the value of such stock killed or property injured, it shall be made to appear that the injury resulted from the carelessness or neglect of the railroad company or its agents, then the plaintiff shall recover the full value of such stock killed or property injured.

Mr. Rice moved to lay the amendment to the amendment on the table.

Which was not agreed to.

The question being, shall the amendment to the amendment be adopted?

The ayes and noes being demanded by Senators Wallace and Green,

Those who voted in the affirmative were,

Messrs. Carnahan, Conner, Cooper, Craven, Culver, Fisk, Hamilton, Hill, Jennings, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Tarkington, Thompson, Turner and Wilson—24.

Those who voted in the negative were,

Messrs. Beeson, Blair, Brown, Cobb, Green, Heffren, Johnston, Lomax, McClure, Rice, Slack, Steele, Stevens, Studabaker, Wallace and Weir—16.

So the amendment to the amendment was adopted.

The question being, shall the second amendment of the committee, as amended, be adopted?

It was agreed to.

The bill was ordered to be engrossed and read a third time to-morrow.

Leave being granted,

On motion by Mr. Johnston,

Resolved, That the committee on the judiciary be instructed to inquire into the legality and expendiency of the passage of a law authorizing county auditors to sell mortgaged lands for the non-payment of principal and interest of any of the school funds, without first having to obtain a judgment by foreclosure, and report by bill or otherwise.

Mr. Conner, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 37, "a bill to amend the 4th section of an act to provide compensation to the owners of animals killed or injured by cars, locomotives, or other carriages of any railroad company of this State, approved March 1st, 1853," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be laid on the table, for the reason that another bill of the Senate upon the same subject, which has been reported from said committee, contains the provisions recommended by the committee.

Which report was concurred in.

Mr. Steele, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred the petition of numerous citizens of the county of Tippecanoe, asking this General Assembly to pass a law compelling railroad companies to pay for animals killed by the cars, locomotives, or carriages of such companies on highways and commons, where railroads cannot be fenced, have had the same under consideration, and have directed me to report that in the opinion of said committee, a bill of the Senate now pending upon that subject, contains a sufficient provision upon the subject.

Which report was concurred in.

Mr. Heffren, from the committee on banks, made the following report:

Mr. President:

The committee on banks, to whom was referred Senate bill No. No. 29, "a bill to provide for the safe-keeping of the bonds and other securities entrusted to the care of certain officers herein mentioned," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Line, from the committee on agriculture, made the following report:

Mr. President:

The committee on agriculture, to whom was referred Senate bill No. 121, "a bill to protect those who exhibit animals or articles at any agricultural exhibition, and to punish any person or persons who may be detected in the removal of any label placed on any animal or article placed on exhibition, and to punish persons who may enter fair grounds, or places of agricultural exhibitions, contrary to the rules of the society regulating the admission of persons to the same," have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, and when so amended, to recommend its passage.

Amend sec. 1, in line 13, by adding after the word "same" the words "shall be deemed guilty of a misdemeanor."

Amend section 2d, in line 8, by adding after the word "exhibition" the words, "shall be deemed guilty of a misdemeanor."

Amend section 3d, in line 2, by adding after the word "exchange" the words, "or give." In line third of the same section strike out the word "with" and insert the word "to." In line ten of the same section after the word "exhibition" add the words. "shall be deemed guilty of a misdemeanor."

Which report was concurred in.

The amendments were separately considered and adopted, and the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Blair, chairman of the committee on county and township business, made the following report:

Mr. President:

The committee on county and township business, to whom was re-

ferred House bill No. 11, "a bill to amend section 21 of an act providing for the organization of county boards, and prescribing some of their powers and duties," have had the same under consideration, and direct me to report it back without amendments and recommend its passage;

Which report was concurred in.

Mr. Blair moved that the bill be read a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Conner, Cooper, Cravens, Craven, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure McLean, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wallace and Weir—35.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Culver, Fisk, Line, Williams and Wilson —7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Weir,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The order of business was suspended, and

Mr. Beeson introduced

Senate bill No. 144. A bill to amend sections eight and nine of

an act entitled "an act creating the twelfth and thirteenth judicial circuits, and providing for the election of judges thereof," approved February 5th, 1855.

Mr. Conner moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Wallace, Weir and Wilson —37.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Studabaker,
The bill was referred to a select committee of three.

The President appointed Senators Beeson, Studabaker and Conner said select committee.

On motion by Mr. Wilson,
The order of business was suspended, and

Senate bill No. 102. A bill to amend the third section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," and the report of the select committee thereon, with the pending amendments thereto of Mr. Tarkington, postponed on the 28th ult., and made the special order for to-day at 10 o'clock, A. M., and not reached in its order,
Was taken up.

Mr. Jennings moved to lay on the table the motion of Mr. Tarkington to concur in the report of the committee with the amendment.
Which was agreed to.

Mr. Tarkington moved to lay the report of the committee on the table.
Which was not agreed.

Mr. Bennett moved to amend the amendment of the committee by making Henry a district; also Decatur, Rush and Fayette a district.

The ayes and noes being demanded by Senators Gooding and Line,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conner, Cooper, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Murray, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Wallace, Weir and Wilson—34.

Those who voted in the negative were,

Messrs. Craven, Gooding, Line, Miller, O'Brien, Slack, Studabaker and Turner—8.

So the amendment to the amendment was adopted.

Mr. Jones moved to amend the amendment by striking Bartholomew from the counties of Jennings and Jackson and making it a district alone.

Mr. Tarkington moved to indefinitely postpone the further consideration of the bill and pending amendments.

The ayes and noes being demanded by Senators Line and Fisk.

Those who voted in the affirmative were,

Messrs. Anthony, Fisk, Hargrove, Line, March, Miller, O'Brien, Slack and Tarkington—9.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Culver, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, Murray, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wallace, Weir, and Williams —36.

So the bill and pending amendments were not indefinitely postponed.

The question recurred, shall the amendment to the amendment, submitted by Mr. Jones, be adopted?

Which was agreed to.

Mr. Tarkington moved to amend the amendment by adding to the district composed of the counties of Monroe and Brown the county of Lawrence.

Mr. Wilson moved to lay the amendment to the amendment on the table.

Which was agreed to.

Mr. Murray moved to amend the amendment as follows:

Amend by making Hamilton, Tipton, Howard and Miami one district, and Cass and White one district.

Which was not agreed to.

Mr. Anthony moved to amend the amendment by making the counties of Clark and Scott one district, and the county of Floyd one district.

Mr. Heffren moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Anthony and Heffren,

Those who voted in the affirmative were,

Messrs. Carnahan, Heffren and McClure—3.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Wallace, Weir and Wilson—38.

So the amendment to the amendment was not laid on the table.

The question then recurred, shall the amendment to the amendment, offered by Mr. Anthony, be adopted?

Which was agreed to.

Mr. Heffren moved to amend the amendment by making the counties of Floyd and Washington one district.

Mr. Anthony moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Wallace and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hendry, Hill, Johnston, Jones, Kinley, Lomax, Murray, Robinson, Steele, Studabaker, Thompson, Wallace, Weir and Wilson—29.

Those who voted in the negative were,

Messrs. Brown, Carnahan, Heffren, Jennings, Line, McClure, McLean, March, O'Brien, Odell, Shoemaker and Tarkington—12.

So the amendment to the amendment was laid on the table.

Mr. Cobb moved to amend the amendment by making the counties of Lawrence, Jackson and Jennings one district.
Which was agreed to.

Mr. Kinley moved to amend the amendment by making the counties of Henry, Hancock and Madison one district.

Mr. Gooding moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Gooding and Craven,

Those who voted in the affirmative were,

Messrs. Anthony, Brown, Cobb, Culver, Gooding, Hamilton, Jennings, Jones, Lomax, McClure, McLean, Miller, Odell, Robinson, Shoemaker, Wallace, Weir and Wilson—18.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Carnahan, Conner, Cooper, Cravens, Craven, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Kinley, Line, March, Murray, O'Brien, Steele, Tarkington and Thompson—23.

So the amendment to the amendment was not laid on the table.

The question then recurred on the adoption of the amendment to the amendment.
It was agreed to.

Mr. Gooding moved to amend the amendment by making the counties of Hancock and Shelby a district.
Which was agreed to.

Mr. Tarkington moved to amend the amendment by making the counties of Monroe, Brown and Owen a district.
Which was agreed to.

Mr. Tarkington moved to postpone the further consideration of the bill and pending amendments until Friday next at 10 o'clock, A. M.

Which was not agreed to.

Mr. Line moved to amend the amendment by making the counties of Fayette and Franklin one district.

Mr. Bennett moved to lay amendment to the amendment on the table.

The ayes and noes being demanded by Senators Line and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Craven, Culver, Green, Hendry, Hill, Kinley, Lomax, McLean, March, Murray, Robinson, Steele, Thompson, Wallace, Weir and Wilson—24.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Fisk, Hamilton, Hargrove, Heffren, Line, McClure, Miller, O'Brien, Odell, Shoemaker, Studabaker and Tarkington—14.

So the amendment to the amendment was laid on the table.

The question was then put, shall the amendments reported by the committee, as amended, be adopted?

The ayes and noes being demanded by Senators Heffren and Tarkington,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Craven, Culver, Green, Hendry, Hill, Jennings, Johnston, Jones, Kinley, McLean, March, Murray, Odell, Robinson, Steele, Thompson, Wallace, Weir and Wilson—27.

Those who voted in the negative were,

Messrs. Carnahan, Fisk, Gooding, Hamilton, Hargrove, Heffren, Line, Lomax, McClure, Miller, O'Brien, Shoemaker, Studabaker and Tarkington—14.

So the amendment, as amended, was adopted.

Mr. McClure moved to recommit the bill with instructions to so

amend it as to reduce the number of districts to not less than twenty nor more than thirty-five.

Mr. Weir moved to lay the motion on the table.

The ayes and noes being demanded by Senators Heffren and McClure,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Craven, Culver, Gooding, Green, Hendry, Hill, Jennings, Johnston, Jones, Kinley, McLean, March, Miller, Murray, Robinson, Steele, Stevens, Thompson, Wallace, Weir and Wilson—30.

Those who voted in the negative were,

Messrs. Carnahan, Fisk, Hamilton, Hargrove, Heffren, Line, Lomax, McClure, O'Brien, Odell, Shoemaker, Studabaker and Tarkington—13.

So the motion to recommit was laid on the table.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Craven, Culver, Green, Hendry, Hill, Jennings, Johnston, Jones, Kinley, McLean, March, Miller, Murray, Robinson, Shoemaker, Steele, Stevens, Thompson, Wallace, Weir and Wilson —30.

Those who voted in the negative were,

Messrs. Carnahan, Fisk, Gooding, Hamilton, Hargrove, Heffren, Line, Lomax, McClure, O'Brien, Odell, Studabaker and Tarkington —13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Shoemaker, from the committee on county and township business, made the following report:

Mr. President:

The committee on county and township business, to whom was re-

ferred a resolution of the Senate directing them to inquire "into the expediency of abolishing the present mode of doing township business, and to report a bill so changing the method of doing said business, that one trustee shall be substituted instead of three, under the present law, and also abolishing the offices of treasurer and clerk," beg leave to report that they have had the same under consideration and deeming the same expedient, beg leave to submit the accompanying bill. In reporting a bill for the more uniform mode of doing township business, they have directed me to present some of the reasons which led them to report the same and recommend its passage:

First.—The bill, in its present shape, reduces the number of township officers to one instead of five, and your committee are of opinion that no legislation that can be enacted at the present session is equal in importance to that which will reduce oppressive burthens imposed upon the people of the State by the township system in its present shape.

It is deemed inexpedient, if not impracticable, to abolish the entire civil township system whilst the requirements of our common school system remain as they are. Hence the labor of the committee has been confined to the object of simplifying the civil township system, rendering it more efficient, and at the same time less expensive.

Under the bill presented, all the advantages of the civil township system, existing under the present law, are retained The business now done in the townships is continued to be done there as heretofore, with the single exception of vacating old roads, changing or laying out new ones, which affect but a single township. This change will leave the opening of all new roads, the change or vacation of old ones, etc., whether affecting but one township or more, wholly in the hands of the boards of county commissioners.

The committee, for many obvious reasons, have deemed it advisable to take from the trustee the power of laying out new roads, changing or vacating old ones, which affect but one township, and giving it to the county commissioners. This body already had the power, where the change affected more than one township and more than one county, and why should not the power of all vacations, laying out or opening of roads be conferred upon them?

If so conferred, the record of establishment or vacation of the roads will be better made or more safely kept by the commissioners than they can be in the different townships, and throughout the county more uniformity will be observed. Again, experience has proven that local and injurious influences are far more likely to operate to the detriment of right and to good roads, in trustees living in the immediate vicinity of a proposed change, than on the county commissioners, who are farther removed, and consequently less liable to be interested or improperly influenced by interested and designing parties.

The most important change made, is that feature of the bill which

abolishes four out of five of the present township officers, and with the single exception just named, gives the business now done by the five to one trustee. To this feature of the bill, contemplating as it does, a material and important change in the practical operations of the township system, the committee readily anticipate objections. It is expected that it will be urged that this is giving too much power into the hands of one man, without sufficient checks upon him to insure the correct disbursement of, and accounting for the funds which may come into his hands, and for the faithful performance of the general duties imposed upon him.

To this anticipated objection it may be replied, that the checks and safe guards thrown around this trustee are equally as great, if not superior, to those thrown around a justice of the peace, administrators of estates, guardians, &c., from whom no additional requirements seem to have been deemed necessary. It will be borne in mind, that before the trustee is permitted to receive a dollar of the public money, he is required to give bond, with freehold surety, to the acceptance of the county auditor, in double the amount that will come into his hands during his term of office; he receipts for the money and the county auditor opens an account with the township, and charges the trustee with the amount so received. The following March, and immediately after the trustee's annual settlement with the supervisors, and but a month before the expiration of the term of his office, he is required to report his proceedings, subject them to a critical examination, and make a full settlement with the board of county commissioners, in the same manner that county treasurers now make their settlements; producing and filing proper vouchers for each and every item of disbursement. The bill also requires that a copy of this settlement report, be spread at length upon the township record, and published in the proper township. With these requirements faithfully carried out, it would seem difficult for any great wrong to be perpetrated by a trustee, either upon his township, or any citizen thereof.

A very great saving is anticipated in the feature of the bill creating but one trustee, from the sole consideration that it entirely obviates the necessity of all township meetings of the board of trustees, clerk and treasurer, whether stated or special.

Under the existing laws, it becomes not unfrequently necessary to assemble the whole five township officers to transact the most trivial business, which could be done by one man equally as well and with much less trouble and delay to the party interested, and for one fifth of the expense to the township.

Any citizen of the township having township business, has only to go to the residence or office of the trustee, as he now does to that of a justice of the peace, and have it attended to at once.

It will be remembered that at the March session of the board of county commissioners, the trustee is required to make his annual report and settlement with said board, exhibiting his receipts and disbursements on account of the township, during the preceding year,

as well as the proper balance, that is at that time in the treasury of his township. The financial condition of the township must at that time be equally understood by the trustee and commissioners. The township, road, and other taxes are to be determined upon and levied by such trustee and commissioners, acting in concert. In case of a failure of the trustee and commissioners to agree as to the amount of taxes that shall be levied, then the taxes are to be levied by the county board. In this manner, without additional expense to either county or township, a safe and uniform taxing power is obtained for all the county.

This provision of the bill is regarded by the committee as an important one, and as being more safe and decidedly preferable to the taxing power under the existing law. It would be difficult to anticipate any wrongful, oppressive, or injudicious levy of township taxes by the trustee of the proper township and the county commissioners thus acting in concert and being equally advised.

The duties of the one trustee in relation to roads already established, as before suggested, are the same under the bill herewith reported as are now performed by the five township officers. These consist in simply filling vacancies in the office of supervisor, settling with and paying to supervisors, at a stated time, what the law expressly declares them entitled to.

There would seem to be nothing in this plain, simple duty, which could not be done by one man as well as by five. Therefore your committee, believing that the bill herewith reported will secure the advantages pointed out, that it is economical and effective, that it will reduce the practical operations of our township system to uniformity, that it is an important step in the direction of a reduction of taxation, recommend the passage of the bill.

Which report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Blair, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 49, "a bill fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith," have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, to recommend its passage.

Amend by striking out the word "twelve" in the last line of the first section, and inserting the word "eight."

On motion by Mr. Heffren,
The bill was recommitted to the same select committee.

Mr. Bobbs, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred Senate bill No. 112, "a bill to amend an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, 1859," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Hargrove, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred Senate bill No. 81, "a bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, in vol. 2, Revised Statutes of 1852," have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendment, and when so amended, to recommend its passage.

Add, in the third paragraph of the first section, after the word "per centum," in the second line, the following:

Provided, That if the personal property of the deceased does not amount to the sum of one thousand dollars, then in that case the court may in its discretion make such allowance to said executor or administrator as may appear right and just.

Mr. Weir moved to amend the amendment of the committee by providing that executors and administrators shall receive no compensation for their services.

Mr. Green moved to lay the amendment to the amendment on the table.

Which was agreed to.

The question recurred, shall the amendment of the committee be adopted?

It was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Cooper, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred Senate bill No. 130, "a bill to prevent the sale of adulterated liquors, and to prescribe punishment therefor," have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended to recommend its passage.

Amend section 1 by striking out "May" and inserting "June," and strike out "State" and insert "county."

Strike out section 3 and insert the following:

"It shall be the duty of the Chemist to analyze all samples or parcels of spirituous, vinous or malt liquors, or vinegar, and if the same be pure and not mixed, adulterated or drugged he shall give a certificate of that fact, attested by his hand and the seal of his office, and in case he shall find said liquors or vinegar impure he shall give a certificate of that fact, attested by his hand and seal of his office.

Amend section 4 by striking out "fifty cents for each barrel," and insert "two dollars for each parcel or sample and fifty cents for each additional parcel, if presented at the same time, which shall be paid by the person presenting the same," and strike out all in said section in regard to mileage.

Strike out sections 5, 6, 7, 8, 9 and 10 and insert the following:

Sec. 5. That if any person shall, by himself or agent, either barter or sell, directly or indirectly, any impure, drugged, spirituous or mixed liquors, or vinegar, to any person whatever, he shall be deemed guilty of a misdemeanor, and upon conviction be fined in any sum not less than ten dollars nor more than fifty dollars for the first offense, and for the second or any subsequent offense shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, to which may be added imprisonment in the county jail not exceeding thirty days.

Mr. Conner moved to postpone the further consideration of the report and bill until Tuesday next at 10 o'clock, A. M., and make them the special order for that hour.

Which was agreed to.

Leave being granted,

Mr. Johnston offered to the following resolution:

Resolved, That the Doorkeeper be directed to take the ten dollar chairs out of the Senate Chamber and replace the old ones, so that Senators will not be put to the trouble of picking themselves up to the amusement of the Senate.

Mr. Carnahan moved to amend the resolution by substituting the following:

WHEREAS, The chairs furnished the Senate by John Ott are not made in a good and substantial manner according to his contract, therefore,

Resolved, That the Doorkeeper be directed to return said chairs and inform the maker that no chairs are wanted by this body.

Mr. Slack moved to lay the resolution and pending amendment on the table.

The ayes and noes being demanded Senators Carnahan and Wallace,

Those who voted in the affirmative were,

Messrs. Bobbs, Brown, Heffren, Kinley, Line, O'Brien, Slack, Steele, Stevens, Thompson, Turner, Wallace and Wilson—14.

Those who voted in the negative were,

Messrs. Beeson, Blair, Carnahan, Cooper, Craven, Fisk, Green, Hargrove, Hendry, Hill, Johnston, Jones, Lomax, McClure, March, Robinson and Shoemaker—17.

So the resolution and pending amendment was not laid on the table.

Mr. Gooding moved to amend the amendment by striking out all after the word "chairs," where it first occurs in the resolution.

Mr. Wallace moved to lay the resolution and pending amendments on the table.

Which was agreed to.

On motion by Mr. Turner,

The Senate adjourned.

THURSDAY MORNING, 9 o'clock,
February 27, 1859.

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following report of the Quarter-Master General:

QUARTER MASTER GENERAL'S OFFICE,
Indianapolis, Jan. 28, 1859.

Gentlemen of the Senate:

In compliance with a resolution passed by you on the 26th inst., I beg leave to make the following report in regard to the Quarter Master's Department, of the number and kinds of arms the State of Indiana is entitled to draw yearly from the United States government:

Prior to the year 1855 we drew annually about four hundred (400) muskets, or their equivalent in other arms. In 1855 Governor Wright succeeded in getting the number increased to nearly six hundred (600) guns. The arms are all regulated by the price of muskets, which is thirteen dollars ($13 00) each, so that when we draw arms of higher price, the number is curtailed in proportion to the price.

If we could have a report of the full strength of the militia of our State we would draw at least double the number we now draw. This will be impossible without a full organization of the militia of the State.

I shall not be able to give you a minute report of the number of arms in the State at this time, as this would require more time than I now have, but I will give the probable amount, which is, I suppose, all that is necessary at this time. A great number of the arms are now unfit for use. They are mostly the old flint lock, which are going entirely out of use.

Many of the volunteer companies have disbanded, and the arms are scattered over the country. Some provision should be made to have them all collected and returned to the State Arsenal. The Quarter Master cannot incur any expenses, unless directed so to do by the Governor or Legislature. There has been no appropriations made for any repairs or collections of arms; therefore, there has been none made.

Many of the arms are worth but little, indeed hardly worth collecting and freight. We have at this time in the arsenal, between six hundred (600) and seven hundred (700) old guns, returned from

different counties unfit for use. I would advise a sale of all the old flint lock guns, with all the old arms of the State to the best advantage. True they would not bring much, but they might be exchanged for new arms at what they are worth. If something is not done with them they will be a total loss to the State. I am informed that several of the States have sold their old arms. I have had several applications from purchasers offering to buy the old arms, but having no authority to dispose of them, I now submit the matter to your consideration.

Prior to 1852, the arms were given out on bonds with securities; the Quarter Master not being acquainted with the sureties on bonds, had to rely on the certificates of clerks of the counties in which the arms were drawn; consequently, many of the securities are worthless, at best the bonds are mere nominal things. Since 1852 the arms have been drawn by the commissioners of the different counties, and charged to the counties.

But a small portion of the State is supplied with arms, many of the counties having made no demand. Some that have had arms have returned them to the State Arsenal. Some counties have drawn largely as they have been more fully organized than others. We have a few demands at this time that we cannot supply until we draw the regular *quota* for 1859, which, I think, will be in May or June next.

The arms are in the care of the Quarter Master General, and distributed by him at the direction of the Governor. The cost of keeping the arms are as follows:

Rent for Arsenal	$100 00
Salary of Quarter Master	100 00
Total cost of keeping arms	$200 00

For his services, which consists in receiving from the general government, attending to renting house for arsenal, and all other care necessary to see that all is kept safe and given out when so directed by the Governor, it will be seen that the Quarter Master receives the sum of one hundred dollars, which is the smallest sum paid by any State in the Union.

The building now occupied is very unsafe, and I hope you will make some provision for a good State Arsenal. It is almost impossible to procure a suitable room for an arsenal, at any reasonable rent at this time. We have but few arms on hand that are worth much, but in May we will draw our *quota* for this year, which will be equal to six hundred (600) muskets with accoutrements, which, at their cost, are worth about ten thousand dollars ($10,000 00.) You will see from this that the State should have a good, safe and substantial arsenal to keep her arms in; therefore, I would suggest the propriety of the State building on some of the public grounds

belonging to the State, a good plain building sufficient for the use of a State Armory.

There are now in the armory between 600 and 700 old guns, with accoutrements entirely unfit for us, without repairing...	600
New Percussion Muskets	24
New Percussion Rifles	20
Musketoons	20
New Sabres	9
Colt's Navy Pistols	4
New Powder Flasks	100
Boxes of new accoutrements	5

STATISTICS of Arms now in the different Counties, with amount of Bonds for the same, prior to the year 1852, *and the cost of Arms delivered to County Commissioners under the law of* 1852, *with the names of the Companies, and their Captains, drawing the Arms.*

Date.	NAMES OF COMPANIES.	No. of Guns.	Amount.
	ADAMS COUNTY.		
1843.	Decatur Artillery, Capt. Samuel Rugg—		Bonds.
	Flint muskets	60	$2,000 00
April, 1846.	Abbott Dragoons, Capt. Braddock—		
	Pistols	100	
	Carbines	50	
	Sabres, complete	50	5,775 00
July, 1850.	St. Mary's Rifles, Capt. J. B. Britton—		
	Hall's Rifles, complete	64	2,800 00
	ALLEN COUNTY.		
			Cost.
July 12, 1850.	Percussion muskets, complete	60	1,200 00
	Percussion pistols	120	1,300 00
	Sabres, all new, complete	60	
	CLARK COUNTY.		
1846.	Washington Guards, Capt. Wm. Ingram—		Bond.
	Flint muskets, complete	60	1,700 00
	CARROLL COUNTY.		
			Cost
June 10, 1846.	Percussion muskets, complete	60	1,020 00
	CASS COUNTY.		
March 10, 1847.	Cass County Blues, Capt. Wm. Brown—		Bond.
	Yeager Rifles	40	1,000 00
June 3, 1845.	Cass County Rangers—		
	Hall's Rifles	50	2,000 00
	[The bonds of theee two companies have been sent to the county auditor for collection.]		
Dec. 1, 1853.	Shipped to the Auditor of Cass county—		Cost.
	Percussion muskets, complete	60	1,020 00
	CLINTON COUNTY.		
May 6, 1846.	Owen Guards, Capt. E. B. Reed—		Bond.
	Yeager Rifles, complete	40	1,360 00
Oct. 7, 1847.	Frankfort Guards, Capt. Samuel Ayres—		
	Muskets, complete	20	667 00
Feb. 7, 1847.	Russelville Rangers, Capt. W. H. Logan—		
	Muskets, complete	40	1,260 00
	DEKALB COUNTY.		
			Cost.
May 29, 1854.	Percussion muskets, complete	100	1,700 00
	DELAWARE COUNTY.		
			Cost.
June 10, 1856.	Percussion muskuts, complete	60	1,020 00
	ELKHART COUNTY.		
1842.	Goshen Guards—		Bond.
	Flint muskets, complete	60	1,928 00
August 6, 1845.	Hunters of Elkhart, Capt. Elphalet Chase—		
	Hall's Patent Rifles, complete	60	2,100 00
	[The bonds of these two companies have been sent to the Auditor of Elkhart county.]		

STATISTICTS of Arms, &c.—Continued.

Date.	NAMES OF COMPANIES.	No. of Guns.	Amount
	FAYETTE COUNTY.		
1845.	Jackson township Volunteers, Capt. K. N. Taylor—		Bond.
	Flint muskets, complete	60	$2,000 00
	FLOYD COUNTY.		
1843.	Spencer Greys, care of Capt. Frank, New Albany—		Bonds.
	Flint muskets, complete	60	1,000 00
Nov, 22, 1845.	German Rifles, Capt. Collins—		
	Carbines, complete	40	1,775 00
	Floyd County Yellow-Jackets, Capt. Ira Gunn—		
	Hall's patents rifles	60	2,525 00
	[Bonds of these two companies sent to auditor for collection.]		Cost.
August 15, 1855.	Shipped to county commissioners—Percussion muskets	80	1,360 00
	FOUNTAIN COUNTY.		
July 8, 1844.	Captain Zachariah Ferguson—		Bond.
	Hall's patent rifles	50	2,888 00
Oct. 2, 1855.	Shipped to county commissioners—		Cost.
	Percussion muskets	60	1,020 00
	GIBSON COUNTY.		
March 24, 1851.	Owensville Guards, Capt. C. Gordon—		
	Percussion pistols	120	Bond.
	Sabres, with full accountrements	60	4,000 00
	GRANT COUNTY.		
August 14, 1846.	Captain John M. Wallace—		Bond.
	Flint muskets, complete	60	2,000 00
	HENDRICKS COUNTY.		
July 1, 1854.	Danville Guards, Capt. Nichols—		
	Flint muskets	50	Bond.
	Sabres, complete	4	1,265 00
Oct. 27, 1847.	Capt. John Scott—		
	Flint muskets, complete	60	2,000 00
	JEFFERSON COUNTY.		
Sept. 7, 1852.	Madison Guards, Capt. J. A. Hendricks—		Bond.
	Percussion muskets, complete	64	2,176 00
	[Bond sent to auditor.]		
	JENNINGS COUNTY.		
August 1, 1846.	Vernon Volunteers, Capt. Morris Wildey—		Bond.
	Yeager rifles	60	2,000 00
Nov. 19, 1846.	Vernon Artillery, Capt. J. H. Baldwin—		
	Flint muskets, complete	40	2,160 00
	Six pounder cannon and carriage, complete	1	
	JAY COUNTY.		
1842.	Portland Guards—Flint muskets	60	Bond. 2,000 00
	JASPER COUNTY.		
June 25, 1853.	Shipped to county commissioners—Percussion rifles, complete	60	Cost. 1.020 00
	LAPORTE COUNTY.		
Feb. 9, 1854.	Shipped to county commissioners—		
	Percussion muskets, complete	100	1,700 00
	Percussion rifles, complete	60	1,020 00
	Carbins, complete	60	1,020 00
	Sabres, complete	60	
	Pair of holsters	60	1,400 00
	Pistols (old)	120	

STATISTICS of Arms, &c.—Continued.

Date.	NAMES OF COMPANIES.	No. of Guns.	Amount.
	LAPORTE COUNTY.—Continued.		
Feb. 9, 1854.	Shipped to the county commissioners—		Cost.
	Old flint muskets	40	$400 00
June 18, 1856.	Colt's navy pistols	120	2,806
	Sabres, with full accoutrements	60	
	Six pounder brass cannon and carriage	1	1,300 00
	Caisson, complete	1	
	Artillery sabres, with accoutrements, (drawn by Col. J. C. Walker)	20	
	LAWRENCE COUNTY.		
Feb. 11, 1853.	Springfield Invincibles, Capt. R. G. Norville—		Bond.
	Muskets	60	2,800 00
	MADISON COUNTY.		
June 23, 1846.	Pendleton Invincibles, Capt. A. E. Russell--		Bond.
	Pistols	110	2,500 00
	Sabres and accoutrements	42	
July, 1846.	Madison County Guard, Capt. G. W. Bowers—		
	Muskets, complete	60	2,500 00
	MARION COUNTY.		
August 4, 1855.	Marion Artillery, Capt. Darnell—		Bond.
	Carbines complete	40	3,300 00
	Six pounder cannon, with carriage, complete	1	
April 10.	Indianapolis National Guards, Capt. G. F. McGinnis—		
	Percussion muskets, complete	82	2,700 00
August 28, 1856.	Clermont Guards, Capt. James Russell--		
	Percussion muskets	32	1,080 00
April 20, 1858.	Indianapolis City Greys, Captain Hartwell—		
	Percussion muskets	72	2,380 00
July, 1858.	Marion Guards, Capt. Elijah W. McVey—		
	Percussion muskets	62	2,000 00
August 25, 1858.	Marion Cavalry, Capt. John Love—		
	Colt's navy pistols	70	5,200 00
	Sabres, with full accoutrements	60	Cost.
	Colt's pistols issued for State Prison and other purposes	56	1,010 00
	MARSHALL COUNTY.		
June 12, 1854.	Shipped to county commissioners--		Cost.
	Muskets, complete	60	1,000 00
	Carbines (new) complete	60	1,320 00
	MIAMI COUNTY.		
July 20, 1854.	Shipped to county commissioners—		Cost.
	Percussion muskets, complete	100	1,700 00
June 10, 1856.	Percussion muskets, complete	60	1,020 00
July 29, 1858.	Percussion rifles (new) complete	30	1,100 00
	Flint rifles (old)	40	
	Sets of accoutrements	70	
	MONTGOMERY COUNTY.		
July 16, 1849.	Ladoga Infantry, Capt. E. Kennedy—		Bond.
	Muskets, complete	60	2,000 00
June 26, 1854.	Lagoda Artillery, Capt. D. Armstrong—		
	Muskets, complete	60	2,000 00
June 26, 1854.	Shipped to county commissioners, for the use of Captain Greffings' company—Yager rifles, complete	60	Cost. 1,000 00
	[Bonds of two first companies sent to auditor of county.]		
Oct. 2, 1854.	Shipped to Capt. A. Harper, by order of county commissioners—		
	Percussion muskets	80	1,360 00
Dec. 1, 1855.	Shipped to Capt. Wood, by order of county commissioners—		
	Percussion muskets, complete	60	1,020 00
1856.	Shipped to Col. L. Wallace, by order of county commissioners—		
	Percussion muskets	60	1,020 00

STATISTICS of Arms, &c.—Continued.

Date.	NAMES OF COMPANIES.	No. of Guns.	Amount.
	MORGAN COUNTY.		
May 29, 1858.	Shipped to county commissioners—		Cost.
	Percussion muskets, complete	80	$1,300 00
	NOBLE COUNTY,		
July 17, 1856.	Shipped to county commissioners—		Cost.
	Percussion muskets, complete	60	1,020 00
Aug. 26, 1856.	Percussion rifles, complete	50	850 00
	ORANGE COUNTY.		
1842.	Orange Guards, Capt. Jas. W. Webb—		Bond.
	Muskets, complete	64	2,000 00
	OHIO COUNTY.		
	Rising Sun Greys—		Bond.
	Hall's rifles, complete	40	1,680 00
	PARKE COUNTY.		
June 11, 1858.	Shipped to county commissioners—		Cost.
	Percussion muskets, complete	60	1,020 00
	PORTER COUNTY.		
June 9, 1855.	Shipped to county commissioners—		Cost.
	Old muskets, complete	100	1,400 00
July 23, 1855.	Old pistols	100	1,284 00
	Sabres, with new accoutrements	50	
	PUTNAM COUNTY.		
Feb. 9, 1854.	Shipped to county commissioners—		Cost.
	Percussion muskets	100	1,700 00
	Percussion rifles, complete	60	1,020 00
	Six pounder cannon and carriage	1	400 00
	PERRY COUNTY.		
1843.	Indiana Blues, Capt. Patterson—		Bond.
	Muskets, complete	60	2,000 00
	POSEY COUNTY.		
	Wabash Rangers, Capt. Richard Owen—		
	Pistols with holsters	122	2,600 00
	Sabres, complete	61	
Nov. 2, 1846.	Mount Vernon Guards, Capt. W. J. Whitney—		Bond.
	Muskets, complete	60	2,000 00
	RANDOLPH COUNTY.		
			Cost.
May 26, 1856.	Percussion muskets	60	2,040 00
	Percussion rifles, all complete		"
	RIPLEY COUNTY.		
1845.	Capt. Calvin Westover—		Bond.
	Hall's rifles, complete	60	2,500 00
	RUSH COUNTY.		
1848.	Shipped to county commissioners—		Cost.
	Old muskets	60	1,000 00
	SCOTT COUNTY.		
	New Frankfort Artillery, Capt. Geo. E. Vanpelt—		Bond.
	Muskets	60	2,000 00

STATISTICS of Arms, &c.—Continued.

DATE.	NAMES OF COMPANIES.	No. of Guns.	Amount.
	SHELBY COUNTY.		
Nov. 3, 1846.	Washington Troop, Capt. Nath. Earlywine—		
	Pistols, complete	100	$2,950 00
	Sabres, complete	50	
Feb. 18, 1847.	Shelbyville Infantry, Capt Jas. Jones—		Bond.
	Muskets, complete	70	2,200 00
	ST. JOSEPH COUNTY.		
			Cost.
May 20, 1856.	Percussion muskets	50	850 00
June 1, 1858.	Percussion muskets, sent to Notre Dame University	60	1,020 00
	(These arms were shipped to the county commissioners.)		
	STEUBEN COUNTY.		
Jan. 25, 1855.	Shipped to county commissioners—		Cost.
	Percussion muskets, complete	60	1,020 00
	SULLIVAN COUNTY.		
	Shipped to county commissioners—		
	Percussion muskets, complete	60	1,020 00
	TIPPECANOE COUNTY.		
May 1, 1856.	Shipped to county commissioners—		Cost.
	Percussion muskets, complete	60	1,020 00
1842.	Lafayette Blues—		Bond.
	Hall's patent rifles	52	2,100 00
1843.	Tippecanoe Guards—		
	Hall's patent rifles	50	2,100 00
	(Bonds of these two companies sent to county auditor.)		
	VANDERBURGH COUNTY.		
July 12, 1855.	Shipped to county commissioners—		Cost.
	Percussion muskets	64	1,080 00
	Six pounder brass cannon, with carriage and appendages	1	880 00
	VIGO COUNTY.		
Aug. 1, 1846.	Honey Creek Guards, Capt. John P. Duffey—		Bond.
	Muskets, complete	50	1,700 00
April 21, 1847.	Riley Greys, Capt. John McMullen—		
	Muskets, complete	40	1,280 00
Sept. 22, 1857.	Shipped to county commissioners—		Cost.
	Old muskets	60	840 00
June 21, 1858.	Percussion muskets, complete	60	1,020 00
	WARRICK COUNTY.		
May 12, 1845.	Boonville Infantry, Capt. J. A. Reynolds—		Bond.
	Muskets, complete	60	2,000 00
March 21, 1845.	Newburg Rifle company, Capt. Sam. Luce—		
	Hall's patent rifles	60	2,100 00
	WABASH COUNTY.		
Aug. 9, 1846.	Michael English—		
	Muskets, complete	58	2,000 00
July 9, 1855.	Shipped to Auditor—		Cost.
	Percussion muskets, complete	100	1,700 00
	WARREN COUNTY.		
July 20, 1856.	Shipped to county commissioners—		Cost.
	Percussion muskets	60	1,700 00
	Percussion rifles	40	
March 4, 1843.	Independent Blues, Capt. Clarkson—		Bond.
	Muskets, complete	60	2,000 00

STATISTICS of Arms, &c.—Continued.

DATE.	NAMES OF COMPANIES.	No. of Guns.	Amount.
	WASHINGTON COUNTY.		
May 27, 1854.	Shipped to county commissioners—		Cost.
	Percussion muskets, complete	100	$1,700 00
	WAYNE COUNTY.		
1842.	Green Township Light Infantry, Capt. J. B. Caty—		Bond.
	Muskets, complete	60	2,000 00
	Wayne Cadets, Capt. E W. Culver—		
	Muskets, complete	60	2,000 00
June 19, 1857.	Shipped to Capt. Cockefair by order of county commissioners—		Cost.
	Yager rifles	60	1,020 00
	WELLS COUNTY.		
June 3, 1854.	Shipped to county commissioners—		Cost.
	Muskets, complete	100	1,700 00
	WHITE COUNTY.		
Dec 20, 1856.	Shipped to county commissioners—		Cost.
	Percussion muskets, complete	60	1,020 00
	Percussion rifles, complete	60	1,020 00

SUMMARY OF ARMS BELONGING TO STATE.

Names of Arms distributed as per Report.

Muskets	4,288
Rifles	1,214
Carbines	250
Sabres	677
Pistols	1,138
Cannons and carriages	6
Caisson	1

Remaing in the Armory, about

Muskets	500
Rifles	100
Sabres	9
Pistols	6

Out of the whole number of pistols, two hundred and fifty are Colt's navy pistols, drawn in 1857; two hundred and forty-six of which have been distributed, four remaining in the Armony.

There are, I have no doubt, a large number of arms scattered over the State that there is no account of. Prior to the year 1842, the arms were given out on the order of the generals and colonels of the

several brigades and regiments, of which I have no account in my office.

All of which is respectfully submitted.

Your obedient servant,

SAMUEL BECK,

Quarter-Master General Indiana Militia.

On motion by Mr. Green,

The report was laid on the table and 500 copies ordered to be printed for the use of the Senate.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Jennings presented a petition from a large number of the citizens of the county of Johnson on the subject of temperance;

Which,

On motion,

Was referred to the committee on temperance.

Mr. Odell presented the petition of James F. Suit, P. S. Sage and J. J. Alexander praying an allowance for visiting the city of New York, as a committee appointed by the Senate to examine the affairs of the office of Agent of State;

Which was referred to the committee on claims.

Mr. Slack presented the petition of a convention of delegates on the line of the Wabash and Erie Canal, on the subject of the Wabash and Erie Canal;

Which,

On motion,

Was referred to the committee on finance.

Mr. Bobbs presented the memorial of Wm. Sheets, calling the attention of the General Assembly to damages sustained by him for the failure of the State and her lessees to keep up the Central Canal, according to contract between the State and himself.

On motion by Mr. Bobbs,

The memorial was referred to a select committee of five.

The President appointed Senators Bobbs, March, Jones, Conner and Wallace said select committee.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

House bill No. 12. A bill to amend the 21st section of an act entitled "an act providing for the organization of county boards, and prescribing some of their powers and duties, so as to allow commissioners to make a levy of not less than one-tenth of one per cent.

REPORTS FROM STANDING COMMITTEES.

Mr. Carnahan, from the committee on finance, made the following report:

Mr. President:

The committee on finance, to whom was referred Senate bill No. 42, "a bill to amend the 23d section of 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State,' approved June 21st, 1852," have had the same under consideration, and have directed me to report the same back, with the following amendments, and when so amended, to recommend its passage:

Amend the 12th section, third line from the bottom, by inserting in the proper place the words, "within this State." Also, amend by striking out the last line of said section.

Which report was concurred in.

The question being, shall the amendments be adopted?
It was agreed to.

Mr. Murray moved to reconsider the vote by which the amendments proposed by the committee were adopted;
Which was agreed to.

Mr. Fisk moved to amend the first amendment proposed by the committee "so as to exempt the tax payer, who may own property on the first day of January and sell the same before he is assessed, from paying taxes on the property owned on the first day of January, and on the money or obligation he has received."

Mr. Heffren moved to lay the bill and pending amendments on the table.

The ayes and noes being demanded by Senators Williams and Carnahan,

Those who voted in the affirmative were,

Messrs. Cravens, Craven, Gooding, Green, Heffren, Hendry, Hill,

Jones, Kinley, Line, Lomax, McLean, Miller, Murray, O'Brien, Slack, Steele, Stevens, Tarkington, Thompson and Weir—21.

Those who voted in the negative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Fisk, Hamilton, Hargrove, Jennings, Johnston, McClure, March, Odell, Robinson, Shoemaker, Studabaker, Turner, Williams and Wilson—23.

So the bill and pending amendment were not laid on the table.

The Senate passed informally over the consideration of the report and pending amendments, and took up the following:

SPECIAL ORDER.

Senate bill No. 42. A bill to repeal an act entitled "an act to establish a bank with branches," and the majority and minority reports of the special committee thereon, submitted January 28, 1859, and made the special order for to-day at 10 o'clock, A. M.

Mr. Studabaker moved to postpone the further consideration of the reports and bill until Wednesday next, at 10 o'clock, A. M., and make them the special order for that hour.

Mr. Green moved to lay the motion to postpone on the table.

The ayes and noes being demanded by Senators Gooding and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Brown, Conner, Cooper, Cravens, Green, Hamilton, Heffren, Hill, Johnston, Jones, McLean, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson and Wagner—25.

Those who voted in the negative were,

Messrs. Blair, Bobbs, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Hargrove, Hendry, Jennings, Kinley, Line, Lomax, McClure, March, O'Brien, Studabaker, Turner, Wallace, Weir, Williams and Wilson—23.

So the motion to postpone was laid on the table.

Mr. Heffren moved to indefinitely postpone the further consideration of the bill and pending reports.

Mr. Gooding moved to lay the motion to indefinitely postpone on the table.

The ayes and noes being demanded by Senators Conley and Wallace,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Bobbs, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Hargrove, Hendry, Jennings, Jones, Kinley, Lomax, McClure, March, O'Brien, Robinson, Shoemaker, Slack, Studabaker, Turner, Wallace, Weir and Wilson—26.

Those who voted in the negative were,

Messrs. Beeson, Blair, Brown, Conner, Cooper, Cravens, Green, Hamilton, Heffren, Hill, Johnston, Line, McLean, Miller, Murray, Odell, Steele, Stevens, Tarkington Thompson, Wagner and Williams —22.

So the motion to indefinitely postpone the bill and reports was laid on the table.

Pending the consideration of the bill and reports,
On motion by Mr. Tarkington,
The Senate adjourned.

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2 o'clock, p. m.

The Senate met.

The Senate resumed the consideration of Senate bill No. 42, and the reports in relation thereto, pending at adjournment.

A protracted discussion ensued; pending the consideration of the reports and bill,
On motion by Mr. Wagner,
The Senate adjourned.

FRIDAY MORNING, 9 o'clock,
February 4, 1859.

The Senate met.

The Journal of yesterday was read.

Mr. Wagner moved to suspend the order of business and take up the special order pending at adjournment on yesterday.

Mr. Heffren demanded a call of the Senate;
Objections being made,
The question was put, shall a call of the Senate be ordered?
Which was agreed to.

The Secretary proceeded with the call,
Whereupon the following Senators answered to their names:

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Robinson, Shoemaker, Slack, Stevens, Studabaker, Thompson, Turner, Wagner, Weir, Williams and Wilson—39.

On motion by Mr. Turner,
The further call of the Senate was dispensed with.

The question then recurred, shall the order of business be suspended?

The ayes and noes being demanded by Senators Line and Studabaker,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, O'Brien, Robinson, Slack, Stevens, Thompson, Turner, Wagner and Wilson—33.

Those who voted in the negative were,

Messrs. Beeson, McClure, Shoemaker, Studabaker, Weir and Williams—6.

So the order of business was suspended, and the special order pending at adjournment on yesterday, to-wit:

Senate bill No. 42, and the majority and minority reports in relation thereto, was taken up.

A protracted discussion ensued; pending the consideration of the bill and reports,

On motion by Mr. Bennett,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Studabaker,

The order of business was suspended, and

Mr. Studabaker, from a select committee, made the following report:

MR. PRESIDENT:

The special committee to whom was referred Senate bill No. 144, "a bill to amend sections eight and nine of an act entitled 'an act creating the twelfth and thirteenth judicial circuits, and providing for the election of judges thereof,' approved February 9th, 1855," have had the same under consideration, and have directed me to report the same back with an amendment, and when so amended, to recommend its passage.

Amend by striking out from the enacting clause and inserting the following:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section eight of said act, which reads as follows, to-wit:

"The continuance of the terms of court in the several counties of said thirteenth circuit shall be as follows, to-wit. In the counties of Randolph and Jay the court shall sit two weeks, if the business thereof shall require it; in the connty of Henry three weeks, if the business require it, and in the county of Wayne four weeks, if the business thereof require it," be, and the same is hereby so amended

as that the courts in the several counties in said circuit shall sit as follows, to-wit: In the county of Wayne five weeks at its said first term after the passage of this act, and at each succeeding term six weeks, if the business thereof require it; in the county of Randolph three weeks, if the business thereof require it; in the county of Jay two weeks, if the business thereof require it, and in the county of Henry so long as the business thereof require it.

SEC. 2. That section nine of said act, which read as follows, to-wit:

"The terms of court in said counties shall commence as follows, to-wit: In the county of Wayne on the first Mondays in March and September in each year; in the county of Randolph on the fourth Mondays succeeding the commencement of the courts in the county of Wayne; in the county of Jay on the second Mondays succeeding the commencement of the courts in the county of Randolph; in the county of Henry on the second Mondays succeeding the commencement of the courts in the county of Jay," be, and the same is hereby amended as that the courts in the several counties shall commence as follows, to-wit: The first terms of said courts after the passage of this act shall be held as follows, to-wit: In the county of Wayne on the third Monday in February; in the county of Randolph on the fifth Monday succeeding the court in the county of Wayne; in the county of Jay on the third Monday succeeding the courts in the county of Randolph, and in the county of Henry on the second Mondays succeeding the courts in the county Jay, and after the said several terms shall have been so held, the terms thereafter in the several counties shall be held as follows: In the county of Wayne on the first Mondays in February and August; in the county of Randolph on the sixth Mondays succeeding the courts in the county of Wayne; in the county of Jay on the third Mondays succeeding the courts in the county of Randolph; in the county of Henry on the second Mondays succeeding the courts in the county of Jay.

SEC. 3. All writs, subpœnas, venires, rules, orders of court, recogizances, publications, and process of whatever nature which have issued in any of said courts, or which may hereafter issue, before the commencement of said terms shall be deemed and taken to be and are hereby made returnable to the first day of said terms, as provided for in this act.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

Which report was concurred in.

The question being, shall the amendment be adopted?

It was agreed to.

Mr. Studabaker moved to consider the bill as engrossed, and to read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Craven, Gooding, Hamilton, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, Robinson, Shoemaker, Steele, Stevens, Studabaker, Turner, Weir and Wilson—35.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Weir presented the petition of T. A. McDowell asking an allowance of $56 00 for services as assistant Sergeant-at-Arms of the Bank Fraud Committee of the session of 1857;

Which,

On motion,

Was referred to the committee on claims.

Leave being granted,

On motion by Mr. Stevens,

Resolved, That the trustees of the State University be requested to furnish this Senate, during its present session, a report of the financial affairs of that institution, with all other matters they may deem of importance to the people of the State.

The order of business was suspended, and

On motion by Mr. Shoemaker,

Senate bill No. 90. A bill to provide for the collection, safekeeping and disbursement of the public moneys, and fixing the salary of the Treasurer of State,

Was taken from the files, and

On motion,

Referred to the committee on finance.

The Senate then resumed the consideration of Senate bill No. 42, with the majority and minority reports thereon, pending at adjournment.

Pending the consideration of which,

On motion by Mr. Murray,

The Senate took a recess till seven o'clock.

7 o'clock, p. m.

The Senate met.

The Senate resumed the consideration of the special order, pending at adjournment.

After spending some time in the consideration of which,
On motion by Mr. Line,
The Senate adjourned.

SATURDAY MORNING, 9 o'clock,
February 5, 1859.

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following communication from the President of the Sinking Fund:

[Copy not furnished.—State Printer.]

On motion by Mr. Carnahan,
The communication was laid on the table, and five hundred copies ordered to be printed.

The President laid before the Senate the following communication from the Auditor of State:

Office of Auditor of State,
Indianapolis, Jan. 27, 1859.

Hon. A. A. Hammond,
President of the Senate:

Sir:—In reply to a resolution of the Senate, adopted on the 20th inst., in relation to the receipts and expenditures of the State Prison,

while the same was leased to Samuel H. Patterson, I have the honor to submit the following statement:

There was audited in favor of Samuel H. Patterson, from the 18th of April, 1849, to the 1st of September 1856, for work done and materials furnished for the new State Prison, the sum of.....	$36,879 20
On the 6th of March 1855, there was audited in his favor for advances to discharged convicts.....	2,522 70
On the 1st of July, 1856, there was audited in his favor, being an appraisement of tools, machinery and unfinished manufactured articles, the sum of.....	28,180 12
On the 17th of January, 1857, there was audited in his favor, for gate money, repairs, &c., the sum of...	6,108 67
Total amount from April, 18, 1849, to July 17, 1857,	$93,690 69

No warrant appears to have issued in his favor prior to April 18, 1849.

The receipts from him on account of rent of State Prison, from April 17th, 1849, to July 14th, 1857, since which time he appears to have made no payments into the Treasury, amount in the aggregate to.....	$41,393 45

This office is in possession of no information as to the value of permanent improvements made upon the prison since the same has been operated under the present system.

I am sir, very respectfully,
Your obedient servant,
JOHN W. DODD,
Auditor of State.

Which communication was laid upon the table.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Slack presented the petition of a number of the citizens of the State of Indiana, in reference to the Wabash and Erie Canal.

Which was,

On motion by Mr. Slack,

Referred to the committee on canals and internal improvements.

Mr. Bobbs presented the petition of John Yount for relief as lessee of the State, for water power of Central Canal.

On motion by Mr. Carnahan,

The petition was referred to the committee on the judiciary.

Mr. Johnson presented the petition of John M. Moore, asking an allowance for services rendered in the arrest of James Cardwell, a horse thief.

On motion by Mr. Johnston,
The petition was referred to the committee on claims.

Mr. Line moved to instruct the committee on the judiciary, to whom was referred the memorial of John Yount, to inquire to what extent, if any, the State may be liable in the premises, and report in full in the case.
Which was agreed to.

Mr. Turner presented the petition of certain citizens of Lake county, asking for an appropriation out of the swamp land fund, belonging to Lake county, for the purpose of completing the ditch known as the "Calumet and Grand Calumet ditch."

On motion by Mr. Turner,
The petition was referred to the committee on swamp lands.

Mr. Heffren presented the petition of David C. Shanks, asking an allowance of sixty-four dollars, for sixteen days service rendered as assistant sergeant at arms of the bank fraud committee; also, an allowance of sixty-four dollars to George W. Randall, for sixteen days of similar service to the same committee; and also, asking an allowance of thirteen dollars to Samuel F. Irvin, and of twelve dollars and fifty cents to John S. Spann, for witness fees, before said bank fraud committee.

On motion by Mr. Heffren,
The petition was referred to the committee on finance.

REPORTS FROM STANDING COMMITTEES.

Mr. Jones, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of Henry M. Wright, sheriff of Carroll county, asking compensation for money expended and services rendered in the apprehension and lodging in jail of John Riley, charged with murder, who had fled from the State, have had the same under consideration and directed me to report it back to the Senate with a recommendation that the claimant be allowed and paid one hundred and twenty-six dollars and seventy-five cents.

On motion by Mr. Turner,
The petition and report of the committee, was referred to the committee on finance.

Mr. Carnahan, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim and petition of Benjamin F. Gregory, late treasurer of Warren county and State of Indiana, who represents, that in the years 1854 and 1855 he sustained a loss of one hundred and fifty-seven dollars and forty cents, and further, a charge of sixteen dollars as expenses in traveling to Indianapolis, to get the State Treasurer to take the money at par; and also a charge of thirty-seven dollars and twenty-eight cents as interest for three years and seven months, by reason of the depreciation of funds in his hands, which, as treasurer of said county, he had collected on the State revenue, and therefore prays the General Assembly to make good to him the said loss, have had the same under consideration and direct me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Kinley, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of Henry M. Graham and Jonathan Barrett, have had the same under consideration, and instruct me to report it back to the Senate recommending that the full claims of the petitioners be allowed;

Which report was concurred in, and

The petition and report was referred to the committee on finance.

Mr. Hill, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred Senate bill No. 57, "a bill to authorize township trustees to establish ditches and locate water courses in certain cases for the benefit of agriculture," have had the same under consideration, and direct me to report it back with the following amendments, and when so amended to recommend its passage.

Amend section 2 as follows:

Strike out the words "as required in like cases of law," and insert: "If no newspaper is published in the county then the publication shall be made in a newspaper of general circulation most convenient to the proposed work."

Amend section 10 as follows, in the sixth line, after the words "next ensuing," add: "If a resident of the township, and if a non-resident within forty days."

Which was concurred in.

The question being, shall the amendments be adopted?

Which was agreed to, and

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Blair, chairman of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate bill No. 70, "a bill supplemental to an act entitled 'an act concering county prisons,' approved May 27th, 1852, and to authorize the establishment of work-houses, and the confinement of certain persons therein at labor," have had the same under consideration, and direct me to report the same back and recommend its indefinite postponement;

Which report was not concurred in.

On motion by Mr. Heffren,

The bill was recommitted to a select committee of three; and

The President appointed Senators Heffren, Conner and Hamilton said select committee.

Mr. Stevens moved to instruct the select committee "to amend the bill by allowing all persons imprisoned on charge of crime to work under the provisions of the bill, provided they signify their desire to do so."

Which was referred to the committee without action.

Mr. Steele, chairman of the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred Senate bill No. 69, "a bill to legalize all bonds and other instruments in writing, executed by any assignee of a branch of the State Bank of Indiana, and to authorize suits to be brough thereon, and to empower the debtors of any branch to secure the same to the Sinking Fund," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Anthony, chairman of the committee on State prison, made the following report:

Mr. President:

The committee on State prison, to which was referred Senate bill No. 61, entitled "a bill to amend the third section of an act entitled 'an act to provide for the government and discipline of the State Prison,' &c., &c., approved February 5th, 1857," have had the same under consideration, and directed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

BILLS INTRODUCED.

The following bill introduced on the 1st inst., by the committee on temperance, to-wit:

Senate bill No. 143. A bill to regulate and restrain the sale, barter or giving away of spirituous and intoxicating liquors to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons under certain circumstances, and to punish any violations of the provisions of this act, and declarative of the duties of district and city attorneys in relation thereto, and fixing the penalty for neglect or failure to discharge said duties,

Was read a first time.

Mr. Gooding moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Weir, Williams and Wilson—41.

Those who voted in the negative were,

Messrs. Heffren and McClure—2.

So the rules were suspended and the bill read a second time by its title.

The following bill was introduced by the committee on county and township business:

Senate bill No. 145. A bill to provide for a more uniform mode of doing township business,
Which was read a first time.

Mr. Shoemaker to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—39.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time by its title.

Mr. McClure moved to lay the bill on the table and that 150 copies be printed for the use of the Senate.
Which was agreed to.

Leave being granted,
Mr. Slack offered the following resolution:

Resolved, That the Senate will, the House concurring therein, appoint a committee of five, two on the part of the Senate and three on the part of the House, to attend and witness the settlement between the outgoing and imcoming Treasurer of State, and the examination of the moneys, books, vouchers, bonds, bills, accounts, and everything connected therewith and belonging to said office.

On motion by Mr. Studabaker,
The resolution was laid on the table.

Leave being granted,
Mr. Stevens offered the following:

Resolved, That when the Senate adjourn it adjourn till Monday at 2 o'clock P. M.

Which was agreed to.

Mr. Conner introduced

Senate bill No. 146. A bill to provide for the publication of all acts and joint resolutions of the General Assembly, which contain an emergency clause, in weekly newspapers of the several counties of the State in which one is published, and the time that said act shall take effect,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Wagner introduced

Senate bill No. 147. A bill to distribute the interest and profits of the Sinking Fund to the use of common schools of the State and prescribing duties of officers in relation thereto, and for the punishment thereof,

Which was read a first time and passed to a second reading on to-morrow.

Mr. McClure introduced

Senate bill No. 148. A bill to repeal an act entitled "an act to prevent railroad companies from changing their depots, except on conditions therein named,"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wallace introduced

Senate bill No. 149. A bill for the organization of the militia of the State of Indiana, classifying the same into active and sedentary, requiring the assessment of a tax for its support, prescribing the duties of officers, civil and military, in connection therewith, and repealing all former acts upon the subject.

Mr. Murray moved to suspend the rules and to read the bill a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Craven, Cravens, Fisk, Gooding, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—40.

Senator Conley voting in the negative.

So the rules were suspended and the bill was read a first time by its title.

On motion by Mr. Wallace,
The bill was referred to the committee on military affairs.

Mr. Bennett introduced

Senate bill No. 150. A bill declaring the selling or conveying of land without title a felony, and prescribing punishment therefor.
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cobb introduced

Senate bill No. 151. A bill entitled an act to authorize appeals from the circuit courts, within this State, to the supreme court in contested election cases.
Which was read a first time, and passed to a second reading on to-morrow.

Mr. McClure introduced

Senate bill No. 152. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and to connect their roads with the roads of said companies, and to authorize rail road companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Thompson introduced

Senate bill No. 153. A bill to fix the time of holding courts of common pleas in the counties of Steuben and DeKalb, and to repeal all laws heretofore passed on that subject,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Jennings introduced

Senate bill No. 154. A bill requiring parties in civil suits to advance the fees of sheriffs in the cases therein specified,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hill introduced

Senate bill No. 155. A bill to prevent the keeping of gaming,

tippling, lewd, or disorderly houses; to protect the public morals, to define the duties of certain officers in relation thereto, to provide punishment for violations of this act, and to repeal all laws in conflict herewith,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cravens introduced

Senate bill No. 156. A bill authorizing the purchase of railroads, plank roads, turnpike roads, or McAdamized roads, or parts thereof, under mortgage sales, or sales made according to the terms of the deeds of trust, to organize as incorporated companies, and prescribing their powers and duties.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Heffren introduced

Senate bill No. 157. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates therefor,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Jones introduced

Senate bill No. 158. A bill concerning the jurisdiction of the person of the defendant in civil actions, not resident of the county or township in which the suit is brought,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wagner introduced

Senate bill No. 159. A bill for the relief of county treasurers.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate bill No. 160. A bill to amend the fourth section of an act to provive for the election, fixing the compensation, and prescribing the duties of attorney general of the State of Indiana, approved February 21, 1855,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Blair introduced

Senate bill No. 161. A bill authorizing married women to dispose of their separate property, and legalizing contracts heretofore made by them in reference thereto.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Tarkington introduced

Senate bill No. 162. A bill to amend the eighty-fourth section of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,

Which was read a first time and passed to a second reading on to-morrow.

Mr. O'Brien introduced

Senate bill No. 163. A bill relinquishing to William English of Dearborn county the interest acquired by the State of Indiana, by escheat in and to in-lot No. 33, in Rossville in said county.

Which was read a first time and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 164. A bill to amend the eleventh section of an act entitled "an act establishing courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate bill No. 165. A bill to amend sections 14 and 15 of an act defining felonies and prescribing punishment therefor,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Tarkington introduced

Senate bill No. 166. A bill re-districting the State for courts of common pleas, defining its jurisdiction and powers, providing for the election, powers and compensation of its judges, and for certifying causes, and repealing an act entitled "an act to establish courts of

common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14th, 1852,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Jones introduced

Senate bill No. 167. An act to set apart one million of dollars of the assets belonging to the Sinking Fund to meet the interest and principal of the bank bonds, and to provide for a distribution to the use of the common schools of a portion of the nett earnings of said fund,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 168. A bill to prescribe the time, place and manner of electing United States Senators, and the manner of authenticating such elections,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate bill No. 169. A bill granting the use of part of square 25, in Indianapolis, to the North-Western Christian University and authorizing said University to increase its capital stock,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate bill No. 170. A bill to fix the times of holding the court of common pleas of Marion county, and prescribing the length of the terms thereof,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Turner asked leave to submit a motion to reconsider the vote on the resolution to adjourn over until Monday adopted this morning;

Objections being made,

The question was put, shall leave be granted for the motion?

It was not agreed to.

Leave being granted,

On motion by Mr. Rice,

Resolved, That the committee on banks inquire into the expediency

of passing a law requiring the holders of those free banks of the State which have gone into liquidation, and whose assets are now or may come into the hands of the Auditor of State, to present their notes to said Auditor for redemption within a limited and specified time, and after the lapse of that time that said Auditor be authorized to pay over to the persons entitled thereto any surplus remaining in his hands after redeeming the notes as aforesaid, and within the time limited by law, &c., and that they report by bill or otherwise.

Leave being granted,
On motion by Mr. Steele,

Resolved, That the joint standing committee on public buildings be authorized to inquire into the expediency of making an appropriation for the construction of an Artesian well for the better protection of the Insane Hospital from destruction by fire, and also for the lighting of the same by gas, and report by bill or otherwise.

On motion by Mr. Jennings,

Resolved, That the committee on the judiciary be instructed to inquire whether there is any law authorizing the heirs of decedents estates, after the administration is closed, to institute suit for the recovery of claims in favor of the estate, filed as desperate; and in the absence of such law whether it is expedient or not to confer such power on the heirs at law, with leave to report by bill or otherwise.

On motion by Mr. Williams,
The order of business was suspended, and

Senate Bill No. 43. A bill to amend the 23d section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852, and the report of finance committee, with amendments, passed informally over on Thursday, was taken up and made the special order for Tuesday next at 2 o'clock, P. M.

Mr. Wallace offered the following resolution:

Resolved, That the committee on canals and internal improvements report back the joint resolution referred to it, on the subject of the Wabash and Erie Canal, on Tuesday morning next.

Mr. Heffren moved that the Senate adjourn.

The ayes and noes being demanded by five Senators,

Those who voted in the affirmative were,

Messrs. Bennett, Brown, Carnahan, Conley, Craven, Culver, Hamilton, Heffren, Hendry, Kinley, Line, O'Brien, Odell, Steele, Stevens and Tarkington—16.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Gooding, Hargrove, Hill, Johnston, Lomax, McClure, March, Rice, Robinson, Shoemaker, Studabaker, Thompson, Turner, Wagner, Wallace and Williams—20.

So the Senate did not adjourn.

On motion by Mr. Bobbs,

The Senate passed informally over the pending resolution, and

Senate bill No. 25. A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States stocks; providing for the manner of doing the same, and defining the duties of certain officers in connection therewith, was taken up and made the special order for Wednesday next at 10 o'clock, A. M.

Mr. Tarkington moved to pass informally over the pending resolution and take up the message from House containing House bill No. 12.

The ayes and noes being demanded by Senators Wallace and Gooding,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bobbs, Carnahan, Conley, Conner, Craven, Culver, Hamilton, Hargrove, Heffren, Hill, Kinley, Line, Lomax, McClure, March, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Wagner and Williams—27.

Those who voted in the negative were,

Messrs. Anthony, Blair, Brown, Gooding, Hendry, Johnston, Robinson, Thompson, Turner and Wallace—10.

So the motion to pass informally over the pending resolution prevailed; and

The following messages from the House taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 12. A bill to prevent the issuing and circulating of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency, and that the House has added the following section thereto:

SEC. 7. That nothing in this act shall be so construed as to permit any person or persons, company, firm, association or corporation in this State, other than the bank of the State of Indiana, and her branches, and all banks incorporated under the provisions of an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and acts amendatory thereto, to issue and put into circulation any such paper.

The question being, shall the Senate concur in the amendment of the House?

It was not agreed to.

On motion by Mr. Conner,

The Senate adjourned.

MONDAY, 2 O'CLOCK, P. M., February 7, 1859.

The Senate met.

The Journal of Saturday was read.

Leave being granted,

Mr. Hendry, from the committee on elections, made the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred Senate bill No. 44, "a bill to change the time for the election of members of Congress, and to provide for their election," have had the same under

consideration, and have directed me to report the same back, without amendment, and recommend its passage.

Mr. Lomax, from the committee on elections, made the following minority report:

MR. PRESIDENT:

The undersigned, a member of the Senate committee on elections, respectfully asks leave to disagree with the majority report of said committee on Senate bill No. 44. His reasons are briefly as follows:

First. He does not believe the change contemplated in the report will remedy the evils complained of.

Secondly. In case of a called session of Congress a special election of members would be indispensable, which would add trouble and expense to our State. Under the present mode of electing members of the lower branch in Congress no election would be necessary.

Thirdly. The proposed change will involve constitutional doubts. In article 1st, section 2d, of the constitutition of the United States, the following words are found: "The House of Representatives shall be composed of members chosen every second year by the people of the States." If the next election for Congressmen be held in 1861, a consequent digression from the constitution must be admitted.

Q. LOMAX.

The majority report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

SPECIAL ORDER.

The hour having arrived the Senate proceeded to the consideration of Senate bill No. 2, a bill regulating the choosing of United States Senators by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing, and the amendment of Mr. Heffren proposed on the 31st ult., made the special order for to-day at 2 o'clock, P. M.

Mr. Wallace moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Wallace and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Brown, Cobb, Conner, Gooding, Hendry, Jennings, Johnston, March, Robinson, Thompson, Wagner, Wallace and Wilson—16.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Conley, Fisk, Hamilton, Hargrove, Heffren, Hill, Kinley, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington and Williams—24.

So the amendment was not laid on the table.

Mr. Murray moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the amendment be adopted?

The ayes and noes being demanded by Senators Heffren and Slack,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Carnahan, Conley, Culver, Fisk, Hamilton, Hargrove, Heffren, Hill, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington and Williams—25.

Those who voted in the negative were,

Messrs. Anthony, Brown, Cobb, Conner, Cravens, Gooding, Hendry, Jennings, Johnston, Kinley, March, Robinson, Thompson, Wagner, Wallace and Wilson—16.

So the amendment was adopted.

Mr. March moved to amend the bill by striking out the fourth section.

On motion by Mr. Odell,
The bill and pending amendment were referred to a select committee of five.

The President appointed Senators Odell, Heffren, March, Murray and Johnston said select committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 135, "a bill to provide for issuing fee bills and executions against sureties for costs in suits brought by non-residents in the circuit courts and courts of common pleas," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Anthony, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 127, "a bill to amend the 18th, 25th and 26th sections of an act regulating descent and the apportionment of estates, approved May 14, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 117, an act to amend the 238th and 241st sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, and to provide for the examination and taking the depositions of parties as witnesses in civil actions and proceedings," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Murray moved to amend the bill by adding to the first section the following proviso:

Provided, That this section shall not be construed to render competent as witnesses, negroes, mulattoes, Indians or persons having one-eighth or more negro blood, in any case in which a white person is a party to the suit.

Mr. Conner moved to amend the amendment by adding thereto:
But no party shall be permitted to testify in his own behalf, in any action where the adverse party is an Indian or a person having one-eighth or more negro blood unless called by such adverse party.

Mr. Wallace moved to lay the amendment to the amendment on the table,
Which was not agreed to.

Mr. Heffren moved to lay the bill and pending amendments on the table.

The ayes and noes being demanded by Senators Gooding and Wallace,

Those who voted in the affirmative were,

Messrs. Anthony, Carnahan, Conley, Fisk, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, Miller, Odell, Robinson, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—19.

Those who voted in the negative were,

Messrs. Beeson, Blair, Bobbs, Brown, Cobb, Conner, Craven, Culver, Gooding, Hamilton, Hendry, Hill, Kinley, Line, McLean, March, Murray, Rice, Shoemaker, Steele, Stevens, Thompson, Turner and Wagner—24.

So the bill and pending amendments were not laid on the table.

The amendment to the amendment was accepted by the mover.

The question recurred on the adoption of the amendments,
Which was agreed to.

The question being, shall the bill be engrossed and read a third time on to-morrow?

The ayes and noes being demanded by Senators Tarkington and Wallace,

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Brown, Cobb, Conner, Craven, Gooding, Hamilton, Hendry, Hill, Kinley, Line, McLean, March, Murray, Rice, Shoemaker, Steele, Stevens, Thompson, Turner and Wagner—22.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Carnahan, Culver, Fisk, Hargrove, Heff-

ren, Jennings, Johnston, Lomax, McClure, Miller, O'Brien, Odell, Robinson, Slack, Studabaker, Tarkington, Wallace, Williams and Wilson—21.

So the bill was ordered to be engrossed and read a third time on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Blair, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to which was referred Senate bill No. 49, "a bill fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith," have had the same under consideration and direct me to report it back with the following amendment, and when so amended recommend its passage:

Strike out the first section and insert the following:

SEC. 1. That the circuit courts in the fifth judicial circuit, in this State, shall hereafter be held as follows, namely, in the county of Hendricks on the fourth Monday in February and August in each year; in the county of Johnson on the Monday next succeeding the courts in the county of Hendricks; in the county of Marion on the Monday next succeeding the courts in the county of Johnson; the said courts, if the business so long require it, shall sit in the counties of Hendricks and Johnson, two weeks each, and in the county of Marion eight weeks.

Which report was concurred in.

The question being, shall the amendment be adopted?
It was agreed to.

Mr. Blair moved to consider the bill as engrossed, and that it be read a third time now,
Which was agreed to, and

The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Lomax, McClure, McLean, March, Miller, Murray, Odell, Rice, Robin-

son, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—44.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Tarkington, from a select committee, made the following report :

Mr. President :

The select committee, to whom was referred the petition of the common council of the city of Madison, praying for the repeal of the 9th section of an amendment to the charter, have had the same under advisement and direct me to report the following bill in relation thereto, and recommend its passage, to-wit:

Senate bill No. 171. A bill to repeal the ninth section of an act entitled "an act to amend an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto, into one act and to amend the same," approved January 15, 1849.

Which report was concurred in, and
Senate bill No. 171, contained in the foregoing report,
Was read a first time.

BILLS INTRODUCED.

Mr. Cravens introduced

Senate bill No. 172. A bill to fix the time for holding the circuit court in the first judicial circuit, and repealing all laws in conflict therewith,
Which was read a first time.

Mr. Tarkington moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Rob-

inson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Wallace, Williams and Wilson—42.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second time by its title.

Mr. Tarkington moved to consider the bill as engrossed, and that it be read a third time now;
Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—40.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren introduced

Senate bill No. 173. A bill to prevent the circulation of foreign bank bills or notes of a less denomination than five dollars,
Which was read a first time and passed to a second reading on tomorrow.

Mr. Blair introduced

Senate bill No. 174. A bill fixing the time of holding the court of common pleas in the county of Hendricks, and the length of the terms thereof, and repealing all laws in conflict therewith,
Which was read a first time and passed to a second reading on tomorrow.

Mr. Lomax introduced

Senate bill No. 175. A bill to regulate the sale of spirituous or

intoxicating liquors and to prescribe proper punishment for a violation of the same,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Conley introduced

Senate bill No. 176. A bill to amend section eight and section ten of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9th, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. O'Brien introduced

Senate bill No. 177. A bill to amend the 18th section of an act entitled "an act to amend section 3 of an act entitled 'an act for the regulation of weights and measures,'" approved February 28, 1855,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Shoemaker introduced

Senate bill No. 178. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hendry introduced

Senate bill No. 179. A bill to provide for the dispatch of business by the Legislature during its sessions, and to provide for withholding pay from the members who unnecessarily absent themselves during its sessions,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bobbs introduced

Senate bill No. 180. A bill to provide for a general system of registry of births and deaths throughout the State, describing the duties of certain persons and officers connected therewith, and affixing penalties, &c.,

Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Heffren,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
February 8, 1859. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Heffren presented the petition of David Patton praying an allowance for pursuing, arresting and bringing to justice Francis M. Lemon, a horse thief;
Which,
On motion,
Was referred to the committee on claims.

Mr. Conner presented the petition of 360 citizens of the county of Wabash on the subject of the Wabash and Erie Canal;
Which,
On motion,
Was referred to the committee on canals and internal improvements.

Mr. Bobbs presented the memorial of the Indianapolis University;
Which,
On motion,
Was referred to the committee on the judiciary.

Mr. Gooding presented the memorial of the county of Hancock on one of the subjects embraced in the Governor's message;
Which,
On motion,
Was referred to the committee on rights and privileges.

Mr. Carnahan presented a memorial of sundry citizens of the counties of Posey and Vanderburgh to their Senator and Representatives, on the subject of changing the system of doing township business;
Which,
On motion,
Was referred to the committee on county and township business.

The order of business was suspended, and
Mr. Gooding introduced

Senate bill No. 181. A bill to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court,

and to fix the time of holding said court, and to require all parties, jurors, witnesses, and all others interested to take notice thereof,

Which was read a first time.

Mr. Gooding moved to suspend the rules and to read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—43.

No Senator voting in the negative.

So the rules were suspended, and the bill read a second time time by its title.

Mr. Gooding moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—42.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the House by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House has passed the following engrossed bill of the Senate, without amendment:

Senate bill No. 144. An act to amend sections eight and nine of an act entitled "an act creating the twelfth and thirteenth judicial circuits, and providing for the election of judges thereof," approved February 9th, 1855.

On motion by Mr. Tarkington,
The order of business was suspended, and

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, and to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violations thereof.

In which the concurrence of the Senate is respectfully requested.

Mr. Studabaker moved to suspend the rules and to read House bill No. 29, contained in the foregoing message, a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—45.

No Senator voting in the negative.

So the rules were suspended and the bill read a first time by its title.

Mr. Studabaker moved that the bill be read a second time now.
Which was agreed to, and
The bill was read a second time by its title.

On motion by Mr. Gooding,
The bill was referred to the committee on the judiciary.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the enrolled with the engrossed copy of Senate bill No. 84, "a bill fixing the time of holding courts of common pleas in the county of Huntington, and prescribing the length of the terms, providing for the return of process heretofore issued or that may hereafter be issued," and find the same correctly enrolled.

ORDERS OF THE DAY.

Senate Bills on their Third Reading.

Senate bill No. 4. A bill to amend the seventy-third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852,
Was read a third time.

Mr. Johnston moved to recommit the bill to a select committee of three, with instructions to so amend the same as to require the statistical report to be made every two years. Also, to strike out the emergency clause.

Mr. Wagner moved to amend the instructions by requiring the auditor to publish an abstract of the information obtained.

Mr. Carnahan moved to lay the motion to recommit, with the pending instructions, on the table.

The ayes and noes being demanded by Senators Studabaker and Wagner,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Carnahan, Conley, Craven, Culver, Fisk,

Hargrove, Heffren, Jones, Line, Lomax, McClure, McLean, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Stevens, Studabaker and Wilson—23.

Those who voted in the negative were,

Messrs. Anthony, Blair, Brown, Cobb, Conner, Hamilton, Hendry, Hill, Johnston, Kinley, March, O'Brien, Rice, Steele, Tarkington, Thompson, Turner, Wagner, Wallace and Williams—20.

So the motion to recommit and pending instructions were laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Carnahan, Conley, Fisk, Hargrove, Heffren, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Stevens, Studabaker, Tarkington, Williams and Wilson—21.

Those who voted in the negative were,

Messrs. Anthony, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Culver, Gooding, Hamilton, Hendry, Hill, Jennings, Johnston, Jones, Kinley, March, Rice, Slack, Steele, Thompson, Turner, Wagner and Wallace—25.

So the bill did not pass.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of Senate bill No. 130, "a bill to prevent the sale of adulterated liquors, to prevent adulteration, and to prescribe punishment therefor," and the report of the special committee proposing amendments, submitted on the 2d inst., and made the special order for to-day at 10 o'clock A. M.

The first amendments proposed by the committee were separately considered and adopted.

Mr. Murray moved to amend the third amendment proposed by the committee by inserting after the word "sample" the words, "other than vinegar."

Which was agreed to.

The third amendment, as amended, was adopted.

The fourth and last amendment was then adopted.

Mr. McClure moved to recommit the bill with instructions to amend "by incorporating in the bill some kind of a standard by which the purity of different kinds of spirituous liquors and vinegar may be tested."

On motion by Mr. Heffren,
The motion to recommit with instructions was laid on the table.

Mr. March moved to amend the bill by striking out therefrom the word "vinegar," wherever it occurs therein.
Which was agreed to.

Mr. Blair moved to amend the bill by striking out of the second section the provision requiring the Chemist to have a diploma from a medical college.

Pending the consideration of which,
On motion by Mr. Line,
The Senate adjourned.

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2 o'clock, p. m.

The Senate met.

The Senate resumed the consideration of the amendment of Mr. Blair, to Senate bill No. 130, pending at adjournment.

The question being, shall the amendment be adopted?
It was agreed to.

The bill was then ordered to be engrossed, and read a third time on to-morrow.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of Senate bill No. 43, "a bill to amend the 23d section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana;

for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 1, 1852, and the report of the committee on finance, proposing amendments to the bill, together with the amendment to the amendment, submitted by Mr. Fisk, on the 3d inst., which were made the special order for to-day, at two o'clock, P. M.

Mr. Carnahan moved to lay the amendment to the amendment on the table.

Which was agreed to.

Mr. Heffren moved to re-commit the bill with instructions to so amend as to allow each person to take all his indebtedness out of his real or personal property or both.

On motion by Mr. Miller,

The motion to re-commit with instructions, was laid on the table.

Mr. Miller moved to re-commit the bill with instructions to so amend the same as to compel all property to be taxed, irrespective of the indebtedness of the owners.

Mr. Carnahan moved to lay the motion to re-commit with instructions, on the table.

Which was agreed to.

Mr. Murray moved to indefinitely postpone the further consideration of the bill and pending amendments.

The ayes and noes being demanded by Senators Murray and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Craven, Culver, Fisk, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McLean, Murray, O'Brien, Slack, Stevens, Tarkington, Thompson, Wallace and Wilson—28.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Cooper, Hamilton, Jennings, McClure, March, Miller, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Turner, Wagner and Williams—18.

So the bill and pending amendments were indefinitely postponed.

On motion by Mr. Murray,

The order of business was suspended, and

Senate bill No. 42. A bill to repeal an act entitled "an act to establish a bank with branches," and the majority and minority reports of the select committee on the same, pending at adjournment on the 4th inst., were taken up.

Mr. Beeson moved the previous question,
Which was seconded by the Senate.

Mr. Conley demanded a call of the Senate.
Objections being made,
The ayes and noes were demanded by Senators March and Hendry.

Those who voted in the affirmative were,

Messrs. Bobbs, Carnahan, Conley, Gooding, Hargrove, Hendry, Jennings, Kinley, Lomax, McClure, March, Miller, O'Brien, Robinson, Shoemaker, Studabaker, Wallace and Williams—18.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Hamilton, Heffren, Hill, Johnston, Jones, Line, Murray, Odell, Rice, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Williams—29.

So a call of the Senate was not ordered.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the bill be indefinitely postponed, as recommended by the minority report of the special committee?

The ayes and noes being demanded by Senators Conley and March,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Hamilton, Heffren, Hill, Johnston, Jones, Line, Miller, Murray, Odell, Rice, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Williams—29.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Conley, Fisk, Gooding, Hargrove, Hendry, Jennings, Kinley, Lomax, McClure, March, O'Brien, Shoemaker, Studabaker, Wallace and Wilson—18.

So the bill was indefinitely postponed.

Mr. Wagner moved to reconsider the vote just taken, and to lay that motion on the table.

The ayes and noes being demanded by Senators March and Gooding,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Hamilton, Heffren, Hill, Johnston, Jones, Line, Miller, Murray, Odell, Rice, Slack, Steele, Stevens, Tarkington, Thompson, Wagner and Williams—28.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Conley, Gooding, Hargrove, Hendry, Jennings, Kinley, Lomax, McClure, March, O'Brien, Robinson, Shoemaker, Studabaker, Turner, Wallace and Wilson—18.

So the motion to reconsider was laid on the table.

On motion by Mr. Conley,
The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock,
February 9, 1859.

The Senate met.

The Journal of yesterday was read.

On motion by Mr. Heffren,
The order of business was suspended, and
The Senate proceeded to the

ORDERS OF THE DAY.

Senate Bills on their Third Reading.

Senate bill No. 13. A bill to amend the 20th, 28th, 32d, 35th and 37th sections of an act entitled "an act to regulate the sale of

swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29th, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Gooding, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, McLean, March, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—40.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Fisk, Heffren, Lomax, McClure, Miller and O'Brien—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 17. A bill to provide for the partition of real estate, and for laying the same off into lots, streets and alleys and for the sale thereof, and also to provide when the same shall take effect,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—48.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the Governor, by Mr. Osborne, Executive Messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

Senate bill No. 84. An act fixing the times of holding the courts of common pleas in the county of Huntington, and prescribing the length of the terms, and providing for the return of process heretofore issued, or that may hereafter be issued.

Senate bill No. 144. An act to amend sections eight and nine of an act entitled "an act creating the twelfth and thirteenth judicial circuits, and providing for the election of judges thereof," approved February 9th, 1855.

On motion by Mr. Bobbs,
The order of business was suspended, and

Senate bill No. 170. A bill to fix the times of holding the court of common pleas of Marion county, and prescribing the length of the terms thereof,
Was read a second time.

Mr. Bobbs moved to strike out from the enacting clause and insert the following:

That the court of common pleas shall sit in the county of Marion on the second Monday of February, June, August and December in each year, and shall hold four weeks, if the business thereof require it.

Sec. 2. All process made returnable to said court at the time heretofore fixed for holding the sessions thereof shall be and the same are hereby declared and made returnable to the terms of said court as fixed by this act, and all parties, officers, witnesses and persons are hereby required to take notice of the changes herein made.

Sec. 3. All act contravening with the provisions of this act are hereby repealed.

Sec. 4. Inasmuch as it is necessary that this act should take effect and fix the terms of said court before the laws of this session will be published in the several counties of the State, an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

Which was agreed to.

Mr. Bobbs moved to suspend the rules and to read the bill a third time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—45.

No Senator voting in the negative.

So the rules were suspended and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Weir, Williams and Wilson—46.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment:

Senate bill No. 17. A bill to fix the time of holding the courts of common pleas in the county of Marion, and prescribing the length of the terms thereof, and to repeal all laws in conflict therewith.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of Senate bill No. 25, "a bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and

United States stocks; providing for the manner of doing the same, and defining the duties of certain officers in connection therewith," and the pending amendment proposed by Mr. Studabaker, made the special order for to-day at 10 o'clock, A. M.

Leave being granted,

Mr. Wagner submitted a motion to grant leave of absence to the committee on benevolent institutions during session hours this afternoon;

Which was agreed to.

Pending the consideration of the special order,

On motion by Mr. Line,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Leave being granted,

On motion by Mr. Hill,

Resolved, That the Doorkeeper be directed to furnish each member and officer of the Senate with three dollars worth of postage stamps to enable them to distribute public documents.

Leave being granted,

Mr. Line introduced the following preamble and resolutions:

WHEREAS, The general government did donate to the State of Indiana a large tract of land to aid said State in the prosecution of the Wabash and Erie Canal; AND WHEREAS, The State of Indiana owing to her financial embarrassments, did convey to her bondholders said canal and the lands which had been donated by the federal government, yet unsold, as a consideration in full of one-half of her State debt; AND WHEREAS, The Trustees of said canal have announced their intention to abandon said canal; AND WHEREAS, It is uncertain to what extent the State of Indiana is involved, or may become involved or liable on account of said

abandonment, either to individuals or to the State of Ohio in case of said abandonment; therefore,

Resolved, Tat a committee of five be appointed whose duty it shall be to investigate the whole affair as connected with the transfer of said Canal, and report the extent, if any, to which the State is liable, either to individuals, as lessees of water power, or to the State of Ohio, and that they report to the Senate at as early a day as practicable.

And be it further resolved, That for the purpose of aiding said committee in a full and free investigation of all the facts in the case, that they have free access to all the public records of the State touching this matter.

Which was agreed to.

The President appointed Senators Line, Conner, Steele, Hamilton and Wallace said select committee.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

Mr. President:

The committee on enrolled bills have examined Senate bill No. 170, "a bill to fix the times of holding the court of common pleas in the county of Marion, and prescribing the length of the terms thereof, and repealing all laws in conflict therewith," and find the same correctly enrolled.

The Senate resumed the consideration of the special order, pending at adjournment.

On motion by Mr. Heffren,
The special order was passed informally over, and
The following messages from the House were taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House insists on its engrossed amendment to engrossed amendments of the Senate to the following engrossed bill of the House, to-wit:

House bill No. 12. A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency.

The question being, shall the Senate adhere to its disagreement to the engrossed amendment of the House to the engrossed amendments of the Senete?

It was agreed to, and

The President appointed Senators Heffren, Tarkington and Kinley a committee of free conference, to act with a similar committee on the part of the House.

The order of business was suspended, and

Mr. Wallace, from a select committee, made the following report:

Mr. President:

The committee on military affairs, to whom was referred Senate bill No. 149, "a bill for the organization of the militia of the State of Indiana, classifying the same into active and sedentary, requiring the assessment of a tax for its support, prescribing the duties of officers, civil and military, in connection therewith, and repealing all former acts upon the subject," have had the same under consideration, and direct me to report it back with the following amendments, and when so amended to recommend its passage.

Amend by striking out section six and insert the following:

Sec. 6. Each voluntary company shall at its armory or regular place of meeting, annually elect the following non-commissioned officers, to-wit: One First Sargeant, one Second Sargeant, one Third Sargeant, one Fourth Sargeant; one First Corporal, one Second Corporal, one Third Corporal, and one Fourth Corporal. The time of such election shall be determined by the company.

Strike out section eleven.

Insert after the word "balance," in the first line of section twenty, the words "including what may remain of the one-third set apart on the preceding section, after the expenses therein contemplated, are paid."

Which report was concurred in.

The question being, shall the amendments be adopted?

It was agreed to.

The order of business was suspended, and

The following messages from the House taken up:

A message from the House by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 23. A bill to legalize the commission of justice of the peace to L. B. Osborn, Esq., of Jackson county, and also, to legalize his acts under it.

In which the concurrence of the Senate is respectfully requested.

House bill No. 23, contained in the foregoing message,
Which was read a first time.

Mr. Heffren moved to suspend the rules, and to read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Carnahan, Cobb, Conley, Cooper, Cravens, Craven, Culver, Fisk, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—39.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. McClure moved to read the bill a third time now,
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Wallace, Williams and Wilson—37.

Senator Bennett voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Anthony introduced

Senate bill No. 182. A bill providing for an organization of cir-

cuit courts, the election of judges thereof, and defining their powers and duties, and matters properly connected therewith.

Mr. Murray moved to suspend the rules and read the bill a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb. Conner, Cravens, Craven, Fisk, Hendry, Hill, Jones, Kinley, Line, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Conley, Culver, Johnston and Lomax—4.

So the rules were suspended, and the bill read a first time by its title.

Mr. Murray moved to suspend the rules and read the bill a second time now by its title,
Which was agreed to, and

The bill read a second time by its title.

On motion by Mr. Anthony,
The bill was referred to the committee on the judiciary.

Mr. Slack introduced

Senate bill No. 183. A bill in relation to the partition of real estate.
Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Miller.
The following message was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 36. An act to fix the time of holding the circuit courts in the ninth judicial circuit.

In which the concurrence of the Senate is respectfully requested.

House bill No. 36, contained in the foregoing message,
Was read a first time.

Mr. Miller moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—39.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second time by its title.

Mr. Miller moved that the bill be read a third time now.
Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Culver, Fisk, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Mr. Miller moved to strike out the word "district," in the title of the bill, and insert the word "circuit."
Which was agreed to.

Mr. Heffren moved to further amend the title by adding "and repealing all laws inconsistent therewith."

Which was agreed to.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Johnston introduced

Senate bill No. 184. A bill to amend the eighth section of "an act in relation to county treasurers," approved June 4, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Heffren,

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 168. A bill to amend the first section of an act entitled "an act authorizing rail road, plank road, turnpike road and macadamized road companies to borrow money, and to secure the payment thereof by mortgage," approved February 5, 1852.

In which the concurrence of the Senate is respectfully requested.

House bill No. 168, contained in the foregoing message,

Was read a first time.

Mr. Heffren moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Culver, Fisk, Gooding, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams, Wilson—39.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second time by its title.

Mr. Heffren moved to refer the bill to a select committee of three.
Which was agreed to, and
The President appointed Senators Heffren, Murray and Bobbs said select committee.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Stanfield, Martin and Blythe a committee of free conference, to confer with a like committee on the part of the Senate, on House bill No. 12.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, without amendment:

Senate bill No. 49. An act fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith.

Senate bill No. 84. A bill fixing the time of holding courts of common pleas in the county of Huntington, and prescribing the length of the terms, and providing for the return of process heretofore issued, or that may hereafter issue.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

Mr. President:

The committee on enrolled bills have examined Senate bill No. 49, "a bill fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith," and have found the same correctly enrolled.

Leave being granted,
Mr. Tarkington introduced

Senate bill No. 185. A bill to amend the sixth, twenty-second, thirty-second, seventy-eighth, seventy-ninth, ninety-sixth, one hundred and nineteenth, and one hundred and ninety-fourth sections, and to repeal section ninety-nine of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election

of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852, and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutes, gas companies, and other joint stock companies whose taxation is not specially provided for, and the assessment of personal property by county auditors and treasurers, and prescribing the duties of officers therein named."

Mr. Heffren moved to suspend the rules and read the bill a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Culver, Fisk, Gooding, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—38.

No Senator voting in the negative.

So the rules were suspended and the bill was read a first time by its title.

Mr. Tarkington moved that the bill be read a second time now by its title.

Which was agreed to; and

The bill was read a second time by its title.

On motion by Mr. Tarkington,

The bill was laid on the table and that 100 copies ordered to be printed for the use of the Senate.

On motion by Mr. Wallace,

The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }
February 10, 1859. }

The Senate met.

The Journal of yesterday was read.

Leave being granted,
Mr. Hendry introduced

Senate bill No. 186. A bill to amend the second section of an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation,
Which was read a first time.

Mr. Hendry moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Rice, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—37.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Hendry moved to refer the bill to a select committee of five.
Which was agreed to.

The President appointed Senators Hendry, Cobb, Shoemaker, March and Wilson said select committee.

Mr. Heffren moved to reconsider the vote taken yesterday on the passage of House bill No. 36, "a bill fixing the time of holding the circuit courts in the ninth judicial circuit, and repealing all laws inconsistent therewith."
Which was agreed to.

Mr. Brown moved to amend the bill as follows:
Amend section 4 by striking out the words "from and after its

passage," and insert the following: "From and after the first day of June, 1859."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Rice, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

The President laid before the Senate the following communication from the Superintendent of the Hospital for the Insane:

INDIANA HOSPITAL FOR THE INSANE,
Indianapolis, Feb. 5th, 1859.

To the President of the Senate:

SIR:—I have the honor to lay before the Senate the following report in reply to a resolution of the Senate in relation to money drawn by the Board of Commissioners of this Institution out of the treasury of Wabash county during the year 1857. It is proper to state that the Board possessed no authority to draw money out of the treasury of any county in the State, except by the consent of county officials, and that under a specific understanding that the funds were to defray the expenses of supporting and treating patients. The failure of the Legislature to make appropriations for the support of patients, forced the Board to suspend operations of the Hospital and send the insane to their respective counties.

The Board finding themselves thus situated, and assuming the ground that no one county or individual had any right to the benefits of treatment in the Hospital at the expense of the *whole State*, they proposed to keep the institution open for the admission of patients, upon the condition that all expenses should be paid by those treated, whether the patients were sent by counties or individuals. I would most respectfully refer you to the annual report of the Board of Commissioners and Superintendent for the year 1857, for the circular issued by the Board. The following are the counties that availed themselves of the proposition of the Board, to-wit:

The county of Wabash	$220 00
The county of Grant	620 00
The county of Tippecanoe	180 40
The county of Montgomery	750 00
The county of Shelby	180 00
The county of Vanderburgh	150 00
The county of Laporte	170 00
The county of Franklin	180 00

Individuals paid for their friends; patients were admitted according to law; all were charged alike, and was done at the expense of the said counties and individuals, except the salary of the Board of Commissioners and Superintendent, which was paid by the State. As the number of patients increased the costs *per capita* diminished.

When the hospital resumed operations the surplus money in bank, where it had been deposited, was apportioned out to patients for clothing to re-admit them according to the statute. It will be remembered that every patient in the Hospital was discharged during the suspension, and of course required new proceedings for their re-admission, and had to be provided with suitable clothing. The Board considering it inexpedient to return the patients who had been treated during the suspension, and who were in the Hospital at the time of the resumption of operations, resolved to admit them and provide clothing as above mentioned. There was no county that had any patients in the institution whose expenses were not paid.

Very respectfully,

JAMES S. ATHON,

Superintendent.

Which,

On motion,

Was referred to the committee on benevolent institutions.

Mr. Heffren, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred House bill No. 168, a bill to amend the first section of an act entitled "an act authorizing rail road, turnpike road, and macadamized road companies to borrow money and to secure the repayment thereof by mortgage," approved February 5, 1852, have had the same under consideration and have directed me to report the same back with the following amendments, and when so amended recommend its passage:

Amend in line seven, first section, after the word "iron," by inserting the words "and any company for the manufacture of gas to supply light in any city, town or village."

Which report was concurred in.

The question being, shall the amendments proposed by the committee be adopted?
Which was agreed to.

Mr. Heffren moved to read the bill a third time now,
Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson—38.

Senators March and Williams voting in the negative.

So the bill passed.

Mr. Heffren moved to amend the title by adding "so as to allow all companies for the manufacture of railroad or other iron, and gas companies, to borrow money and to secure the repayment thereof by mortgage."
Which was agreed to.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Tarkington,
The order of business was suspended, and

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 95. A bill legalizing the locations, vacations and changes of public highways within this State.

In which the concurrence of the Senate is respectfully requested.

House bill No. 95, contained in the foregoing message,
Was read a first time, and passed to a second reading on to-morrow.

Leave being granted,
Mr. Odell, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 2, "a bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing," have had the same under consideration, and a majority of the committee have directed me to report the same back, with the following amendments:

Amend section one by striking out the word "from," succeeding the words "United States," and insert in lieu thereof, the words "to be filled by the Legislature of."

Also amend section three by inserting after the word "separately," the following "and when such vote shall be had in either House the result of such vote shall be immediately reported to the other House," and when the amendments are adopted, the passage of the bill is respectfully recommended.
Which report was concurred in.

The question being, shall the amendments proposed by the committee be adopted?
It was agreed to.

Mr. March moved to amend the bill by striking out the fourth section.

On motion by Mr. Heffren,
The further consideration of the bill and pending amendment, was postponed until to-morrow, at 2 o'clock, P. M., and made the special order for that hour.

The President laid before the Senate the following communication from the Attorney General:

OFFICE OF ATTORNEY GENERAL,
February 7th, 1859.

To the Senate of Indiana:

The resolution adopted by your body, requesting to be informed by me the "reasons why the suit in the Floyd circuit court, in favor

of the State of Indiana, *vs.* Newland, was dismissed, and why the same was not attended to by me," has been received. In reply to your inquiries I desire to call the attention of the Senate to the fourth section of the act "providing for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855; that section reads as follows:

"Such Attorney General shall prosecute and defend all suits that may be instituted by or against the State of Indiana, the prosecuting or defending of which is not already provided for by law, whenever notified ten days of the pendency thereof, by the clerk of the county in which such suits are pending, and whenever required by the Governor or a majority of the officers of State, in writing, to be furnished him within a reasonable time for the purposes contemplated."

This is the only statute that has ever been passed by the Legislature relating to the duties of my office, and my answer to your inquiries is that I have never been officially informed that any such suit had been commenced, or was pending, nor did I know it from any other source, and consequently could not attend to it, and can not therefore inform you why it was dismissed.

All of which is respectfully submitted,

J. E. McDONALD,
Attorney General.

Which communication was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Rice, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 89, a bill to amend section one, and repeal section seven of "an act concerning interest on money," approved May 27, 1852, have had the same under consideration, and have directed me to report it back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Hill, chairman of the committee on rights and privileges, made the following report:

MR. PRESIDENT:

The committee on rights and privileges, to whom was referred so much of the Governor's message as relates to the act of 1852, authorizing the formation of companies for the detection of horse

thieves, &c., have had the same under consideration, and have directed me to report the following bill for the repeal of said act, to-wit:

A bill to repeal an act, entitled "an act to authorize the formation of companies for the detection and apprehension of horse thieves, and other felons, and defining their powers," approved March 9th, 1852.

Mr. Studabaker moved to indefinitely postpone the report of the committee.

The ayes and noes being demanded by Senators Line and Gooding.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Hill, Jones, Kinley, Line, March, Miller, Murray, Rice, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Wallace and Wilson—34.

Those who voted in the negative were,

Messrs. Heffren, Hendry, Johnston, Lomax, McClure, McLean, O'Brien, Odell, Robinson, Shoemaker, Tarkington and Williams—12.

So the report was indefinitely postponed.

Leave being granted,
Mr. Murray offered the following resolution:

Resolved, That the following additional rules be adopted for the government of the Senate:

Rule —. Any Senator desiring to give an explanation of the reasons of his vote upon any question before the Senate, may do so before the calling of the ayes and noes is commenced, and not after, without the unanimous consent of the Senate.

Rule —. Every Senator shall be limited in debate to not more than ten minutes at a time, and not more than twice on the same question.

Which was laid over one day, under the rule of the Senate.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 170. An act to fix the time of holding the court of common pleas in the county of Marion, prescribing the length of the terms thereof, and repealing all laws in conflict therewith.

Mr. Kinley, from the committee on rights and privileges, made the following report:

Mr. President:

The committee on rights and privileges, to whom was referred Senate bill No. 86, a bill to amend an act entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof, by proper penalties," approved March 22, 1852, and to define the degrees of consanguinity and affinity prohibited in marriages. Also, Senate bill No. 22, "a bill to prevent the intermarriage of first cousins, defining the duties of clerks of the circuit courts in issuing license, and providing punishment for violations of this act," have had the same under consideration, and instructed me to report the same back to the Senate, with the recommendation that Senate bill No. 22 be laid on the table, and that Senate bill No. 86 aforesaid, be amended as follows, and when so amended to recommend its passage:

Amend Senate bill No. 86, as aforesaid, by striking out from the enacting clause and inserting the following:

"That all marriages between first cousins, or between persons of closer degrees of consanguinity, which may hereafter take place in this State shall be void."

Amend the title so as to read as follows:

"A bill to prevent the intermarriage of blood relations."

Which report was concurred in.

Mr. Conley moved to amend the first amendment of the committee by striking out "first cousins," and inserting "second cousins."

Mr. Murray moved to lay the amendment to the amendment on the table.

Mr. Wagner moved to amend the motion so as to lay the amendments proposed by the committee, and the amendment to the amendment on the table.

Mr. Bennett called for a division of the question.

The question being, shall the amendment to the amendment be laid on the table?

The ayes and noes being demanded by Senators Conley and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Conner, Cooper, Craven, Gooding, Hamilton, Hargrove, Hill, Johnston, Jones, Kinley, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner and Williams —29.

Those who voted in the negative were,

Messrs. Bobbs, Brown, Carnahan, Cobb, Conley, Culver, Fisk, Heffren, Hendry, Line, Lomax, McClure, McLean, Turner, Wallace and Wilson—16.

So the amendment to the amendment was laid on the table.

The question recurred, shall the amendments submitted by the committee, be laid on the table?

The ayes and noes being demanded by Senators Gooding and Kinley.

Those who voted in the affirmative were,

Messrs. Anthony, Cooper, Gooding, Johnston, Rice, Robinson, Slack, Studabaker and Wagner—9.

Those who voted in the negative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Hamilton, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—37.

So the amendments, proposed by the committee, were not laid on the table.

Mr. Conner moved to amend the amendment proposed by the committee, by adding:

"*Provided*, That this act shall not affect marriage contracts now existing between cousins, and which have not been consummated.

Mr. Carnahan moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Line and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Culver, Hamilton, Hargrove, Heffren, Jennings, Jones, Kinley, Line, Lomax, McLean, Murray, O'Brien, Odell, Shoemaker, Studabaker, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Cobb, Conner, Craven, Fisk, Gooding, Hendry, Hill, Johnston, McClure, March, Miller, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Wallace—21.

So the amendment to the amendment was laid on the table.

Mr. Lomax moved to amend the amendment by adding the following proviso:

Provided, That this act shall not take effect until after the first day of September, 1859.

Which was not agreed to.

Mr. Stevens moved to re-commit the bill to the committee on the judiciary, and the pending amendments, with the following instructions:

To inquire into the expediency of amending the bill—

First. To prohibit clerks of courts from issuing marriage license to first cousins, and attach penalties therefor.

Second. To prohibit any person from performing the marriage ceremony of parties whom they know to be first cousins, under penalties.

Third. To subject all parties to penalties, who may apply for, or obtain license and marry, who are first cousins.

Mr. Line called for a division of the question.

The question being, shall the bill be so recommitted?

It was agreed to.

The question recurred, shall the instructions be adopted?

It was agreed to.

On motion by Mr. Wallace,

The committee were further instructed to inquire into the expediency of so amending the bill as to make it a part of the affidavit now required for a license, that the parties are not cousins within the meaning of the statute.

Mr. McLean, from the committee on rights and privileges, made the following report:

MR. PRESIDENT:

The committee on rights and privileges, to whom was referred Senate bill No. 16, "a bill to amend the first section of an act entitled 'an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain,' approved June 15, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers," approved March 7, 1857, have had the same under consideration, and direct me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

On motion by Mr. Line,
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Leave being granted,
Mr. Line introduced the following resolution:

Resolved, That the State Librarian be authorized to sell at public sale all the desks that were used in the Senate Chamber, he having given ten days notice of the time and place of such sale in one of the daily papers of the town, and to give a credit of six months on all sums over two dollars, the purchaser giving note with approved security, and to file a list of said sale in the office of Treasurer of State, and when the amount of said sales are collected, to be placed on the Treasurers' books to the credit of the State of Indiana, said sale to be held within 20 days after the passage of this resolution.

Resolved, That the Secretary furnish the Librarian with a certified copy of this resolution.

Which was agreed to.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to consider Senate

Joint Resolution No. 8, a joint resolution on the subject of Cuba, made the special order for to-day at 2 o'clock, P. M.

Mr. Heffren moved to postpone the further consideration of the joint resolution until Monday next at 2 o'clock, P. M., and make it the special order for that hour.

Which was agreed to.

BILLS INTRODUCED.

Mr. Wagner introduced

Senate bill No. 187. A bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 188. A bill to provide for oral argument and speedy decision of causes in the supreme court, and to repeal all laws inconsistent with this act,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cooper introduced

Senate bill No. 189. A bill prescribing the length of residence in a county and township necessary to constitute a person a legal voter therein; defining a violation of the provisions of this act to be a misdemeanor, and prescribing the punishment therefor, amending sections twenty-one and twenty-two of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852, and repealing all laws in conflict herewith,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Lomax introduced

Senate bill No. 190. A bill to authorize the formation of companies for the detection of horse thieves and other felons, and defining their powers,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Heffren introduced

Senate bill No. 191. A bill to amend the 38th section of an act

entitled "an act defining felonies and prescribing punishment therefor," approved June 10, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Stevens introduced

Senate bill No. 192. A bill regulating the public printing of the State of Indiana, and fixing the compensation therefor, and prescribing the duties of certain officers therein named,

Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Bobbs, Carnahan, Cobb, Conner, Cooper, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner, Williams and Wilson—36.

Those who voted in the negative were,

Messrs. Conley, Jennings and Slack—3.

So the rules were suspended and the bill was read a first time by its title.

On motion by Mr. Heffren,

The bill was referred to the committee on printing.

Mr. Carnahan introduced

Senate bill No. 193. A bill to regulate the sale of spirituous and intoxicating liquors, and prescribing penalties for a violation of this act,

Which was read a first time.

Mr. Wagner moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Culver, Fisk, Green, Hargrove, Heffren,

Hendry, Hill, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Williams—36.

Those who voted in the negative were,

Messrs. Anthony, Conley, Hamilton, Johnston, Slack, Studabaker and Wilson—7.

So the rules were suspended and the bill read a second time by its title.

Mr. Murray moved to amend the first section of the bill by adding after the word "premises" the following: "Or shall knowingly suffer the same to be drank in his house, out-house, yard or garden, or on his premises."

Also, to amend the second section by adding, "for every such offense."

The ayes and noes being demanded by Senators Slack and Hamilton,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Carnahan, Conner, Cooper, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Kinley, McLean, March, Murray, Rice, Robinson, Steele, Thompson, Turner and Wagner—24.

Those who voted in the negative were,

Messrs. Brown, Cobb, Conley, Fisk, Hamilton, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—20.

So the amendment was adopted.

Mr. Gooding moved to amend the second section by inserting after the word "person" the words "by himself or agent," and after the word "sell" the words "or barter."

The ayes and noes being demanded by Senators Slack and Shoemaker,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Line, McClure,

McLean, March, Murray, Rice, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—32.

Those who voted in the negative were,

Messrs. Conley, Fisk, Hamilton, Johnston, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—13.

So the amendment was adopted.

Mr. Gooding moved to amend the bill by adding the following section:

SEC. —. It is hereby declared that an emergency exists for the taking effect of this act, it is therefore hereby declared that this act shall take effect and be in force from and after the first day of July, A. D., 1859.

The question being, shall the amendment be adopted?

The ayes and noes being demanded by Senator Slack and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Culver, Gooding, Green, Heffren, Hendry, Hill, Jones, Kinley, McClure McLean, March, Murray, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Wallace—31.

Those who voted in the negative were,

Messrs. Conley, Fisk, Hamilton, Hargrove, Johnston, Line, Lomax, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—15.

So the amendment was adopted.

Mr. Slack moved to amend the bill by inserting in the proper place "except for medical purposes."

Mr. Green moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Conley,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Brown, Carnahan, Conner, Cooper, Craven, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Line, McClure, McLean, March, Murray, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—29.

Those who voted in the negative were,

Messrs. Anthony, Blair, Cobb, Conley, Fisk, Hamilton, Johnston, Lomax, Miller, O'Brien, Odell, Shoemaker, Slack, Wallace, Williams and Wilson—16.

So the amendment was laid on the table.

Mr. Wagner moved to consider the bill as engrossed and read the same a third time now.

Mr. Wagner moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question then being, shall the bill be considered as engrossed and read a third time now?

The ayes and noes being demanded by Senators Slack and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Conner, Cooper, Craven, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, McLean, March, Murray, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—29.

Those who voted in the negative were,

Messrs. Cobb, Conley, Fisk, Hamilton, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Wallace, Williams and Wilson—18.

So the motion to consider the bill as engrossed prevailed; and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Carnahan, Conner, Cooper, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Jones, Kinley, McLean, March, Murray, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—27.

Those who voted in the negative were,

Messrs. Anthony, Cobb, Conley, Fisk, Hamilton, Heffren, Jen-

nings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Wallace, Williams and Wilson—20.

So the bill passed.

Mr. Gooding moved to amend the title of the bill by inserting the word "barter" before the word "sale."
Which was agreed to.

Mr. Fisk moved to further amend the title by striking out the word "regulate" and inserting the word "prevent."
Which was not agreed to.

Ordered, That the Secretary inform the House of the passage of the bill.

Mr. Miller introduced

Senate bill No. 194. A bill requiring a debtor claiming the benefit of "an act to exempt property from sale in certain cases," approved February 17, 1852, to furnish any officer having an execution against the property of the debtor, a schedule under oath or affirmation of all the property held by him, and by others in trust for his benefit, and designate thereon the property selected by him as exempt under said law, and prescribing a penalty for a refusal to comply with said requirement,
Which was read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment:

Senate bill No. 181. A bill to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to fix the time of holding said court, and to require all parties, jurors, witnesses, and all others in interest to take notice thereof.

Mr. March introduced

Senate bill No. 195. A bill to enable married women to make wills,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Line introduced

Senate bill No. 196. A bill to amend section 1st, of article 8, of the constitution of the State of Indiana,

Which was read a first time.

Mr. Wallace moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace and Wilson—43.

Senators Johnston and Williams voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Line,

The bill was referred to the committee on the judiciary.

Mr. Robinson introduced

Senate bill No. 197. A bill to amend an act entitled "an act establishing the bank of the State of Indiana, authorizing it to establish branches, to continue as such for the term of twenty years from the date of its organization, and for such longer period thereafter as shall be necessary promptly to close its business," passed on the 3d of March, 1855, the Governor's objections to the contrary notwithstanding,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Shoemaker introduced

Senate bill No. 198. A bill to provide for the taxing and collection of docket fees in certain cases, and the payment of the same to the State and county treasurers,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Studabaker introduced

Senate bill No. 199. A bill to authorize and empower clerks of the circuit court and clerks of the court of common pleas of the several counties in this State to enter satisfaction of record of all mortgages that may have been foreclosed and judgment rendered thereon, and shall have been and satisfied in such courts,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Tarkington introduced

Senate bill No. 200. A bill to amend section 14 of an act entitled "an act to limit the number of grand jurors and to point out the mode of their selection, defining their jurisdiction and repealing all laws inconsistent therewith," approved March 4, 1852, so as to give cognizance of misdemeanors to grand jurors,

Which was read a first time and passed to a second reading on to-morrow.

On motion by Mr. Heffren,

The order of business was suspended, and

The following message from the House taken up:

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates therefor.

In which the concurrence of the Senate is respectfully requested.

House bill No. 147, contained in the foregoing message,

Was read a first time.

Mr. Heffren moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Con-

ner, Cooper, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—41.

Senator Culver voting in the negative.

So the rules were suspended, and the bill was read a second time by its title.

On motion by Mr. Heffren,
The bill was referred to a select committee of three.

The President appointed Senators Heffren, Steele and Hill said select committee.

On motion by Mr. Williams,

Senate bill No. 145. A bill to provide for a more uniform mode of doing township business,
Was taken from the table, and made the special order for to-morrow at 10 o'clock, A. M.

ORDERS OF THE DAY.

The Senate proceeded to the consideration of Senate bill No. 25, "a bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States stocks; providing for the manner of doing the same, and defining the duties of certain officers in connection therewith," and the amendment to the same pending at adjournment on yesterday.

Mr. Slack demanded a call of the Senate.
Objections being made,
The question was put, shall a call of the Senate be ordered?
It was agreed to.

The Secretary proceeded with the call,
Whereupon it was found that the following Senators were present:

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—44.

On motion by Mr. Turner,
The further call of the Senate was suspended.

Mr. Wagner moved to lay the bill and pending amendment on the table.

The ayes and noes being demanded by Senators Studabaker and Bobbs.

Those who voted in the affirmative were,

Messrs. Bobbs, Craven, Gooding, Hamilton, Heffren, Jennings, Jones, March, Murray, O'Brien, Odell, Rice, Steele, Turner and Wagner—15.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Culver, Fisk, Green, Hargrove, Hendry, Hill, Johnston, Line, Lomax, McClure, Miller, Robinson, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Thompson, Wallace, Williams and Wilson—31.

So the bill and pending amendment was not laid on the table.

The question being, shall the amendment of Mr. Studabaker, to strike out and insert, be adopted?

The ayes and noes being demanded by Senators Slack and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, Miller, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—32.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Craven, Culver, Heffren, March, Murray, O'Brien, Odell, Rice and Wagner—12.

So the amendment was adopted.

Mr. Studabaker moved to refer the bill to a select committee of five.

Which was agreed to.

The President appointed Senators Studabaker, Tarkington, Line, Wallace and Green said select committee.

Mr. Green moved to instruct the committee to inquire into the

expediency of amending the bill so as to provide for the immediate redemption of the outstanding bonds of the State.

Which was agreed to.

On motion by Mr. Wagner,

The committee was further instructed to inquire into the expediency of amending the bill by striking out the proviso.

The order of business was suspended, and

Senate bill No. 112. A bill to amend an act entitled "an act to repeal all general laws now in force, for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertains thereto, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, 1859;"

Was read a third time.

Mr. Stevens moved to amend the bill as follows, to-wit:

Amend section four so that it shall read as follows:

SEC. 4. If the return shall show a population of two thousand persons, or more, the trustees or common council, within two days thereafter, shall publish a notice to the voters of such town or city, as in other corporation elections, stating that on a day, and at a place therein named, a poll will be opened to determine whether such town or city shall be incorporated as a city.

Amend section two so that it shall read as follows:

SEC. 2. Whenever one-third of the voters of any incorporated town, so far as the number can be estimated, shall petition the board of trustees thereof, or common council, of any incorporated city to be incorporated as a city under this act, such board of trustees, or common council, by an order or resolution to that effect, entered upon their order book, shall direct the marshal, or other officer thereof, by a proper warrant furnishing him with the necessary forms, to take the census of all persons who were residents of, and within the corporate limits of such city or town, at least forty days anterior to the date of such order; *Provided, however*, That if it shall appear to said board of trustees, or common council, by the last census of this State, or of the United States, that said town or city had two thousand inhabitants, said board or common council shall be at liberty to proceed in all respects as though the said census had been taken in the manner provided in this act.

Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Con-

ley,Conner, Cooper, Craven, Fisk, Green, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner and Wilson—33.

Those who voted in the negative were,

Messrs. Beeson, Heffren and Williams—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Jennings introduced

Senate Joint Resolution No. 11. A joint resolution on the subject of the African slave trade, and for purposes of African colonization.

Mr. Jennings moved to refer the joint resolution to a special committee of five.
Which was agreed to.

The President appointed Senators Jennings, Heffren, Carnahan, Kinley and Brown said select committee.

Leave being granted,
Mr. Turner introduced

Senate Joint Resolution No. 12. A joint resolution in relation to the African slave trade,
Which was read.

Mr. Turner moved to refer the joint resolution to a select committee of five.
Which was agreed to, and
The President appointed Senators Turner, March, Green, Anthony and Conner said select committee.

On motion by Mr. Wilson,
The Senate adjourned.

FRIDAY MORNING, 9 o'clock,
February 11, 1859.

The Senate met.

The Journal of yesterday was read.

Mr. Turner moved to add three Senators to select committee appointed on yesterday on Senate joint Resolution No. 12.

Which was agreed to.

The President appointed Senators Carnahan, Jones and Johnston for that purpose.

The President laid before the Senate the following communication and accompanying report:

OFFICE OF INDIANA STATE BOARD OF AGRICULTURE,
Indianapolis, February 10, 1859.

HON. J. R. CRAVENS,
President of the Senate:

SIR:—You will please lay before the honorable body over which you preside the accompanying report of the Indiana State Board of Agriculture, containing the reports of the several county and district agricultural societies of Indiana for the year 1858.

These reports clearly indicate the agricultural, mechanical, manufacturing and stock raising interests of State are rapidly growing in value and importance, under the favorable influences which have been extended over them by the State Board of Agriculture, by the county and district agricultural societies, and by the enterprise and skill of private citizens.

The Senate is respectfully requested to order the printing of six thousand copies of the accompanying report, for distribution among the several agricultural societies of Indiana, and for making exchanges with agricultural organizations of other States.

Respectfully submitted,
G. D. WAGNER,
President Ind. State Board of Agriculture.
JOHN B. DILLON, *Secretary.*

Mr. Williams moved to lay the report on the table and to print six thousand copies.

Which was agreed to.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined Senate bill No. 181, "a bill to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to fix the time of holding said court, and to require all parties, jurors, witnesses, and all others in interest to take notice thereof," and find the same correctly enrolled.

Leave being granted,

Mr. Heffren, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference, to whom was referred House bill No. 12, "a bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for issuing or failure to redeem any such currency," and amendments thereto, have had the same under consideration, and recommend the following amendments thereto, to-wit:

First. Insert after the word "whatever," in the third line of the first section, the words, "save and except that now authorized by law to be issued by the Bank of the State of Indiana and her branches, and other banks incorporated under the general banking law of this State."

Second. Strike out of said section, beginning in line twelve, after the word "State," the following, to-wit: "Other than a banking institution authorized by law to issue such paper."

Third. Amend section second, line fourth, by striking out the article "A" and insert instead thereof the word "the."

Fourth. Add the following section:

SEC. 7. The Bank of the State of Indiana, and its branches, and the banks organized under the general banking law of this State, shall not, nor shall any officer or agent of any such banks, put into circulation any such fraudulent and void paper or issue, as that described in the first section of this act, and any such officer or agent, upon conviction thereof, shall be subject to the same penalties as are prescribed in the second section of this act."

Fifth. The House recedes from its amendments to the bill.

When the bill is so amended they recommend its passage.

HORACE HEFFREN,
Manager on part of the Senate.
THOS. S. STANFIELD,
Manager on part of the House.

The question being, shall the amendments proposed by the committee be adopted?

The ayes and noes being demanded by Senators Anthony and Gooding,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Hamilton, Hargrove, Heffren, Hill, McLean, O'Brien, Odell, Rice, Steele, Stevens, Tarkington, Thompson, Turner and Williams—27.

Those who voted in the negative were,

Messrs. Conley, Fisk, Gooding, Green, Hendry, Lomax, McClure, March, Robinson, Shoemaker, Slack, Studabaker and Wilson—13.

So the amendments were adopted.

Leave being granted,
On motion by Mr. Slack,

Resolved, That the Auditor of State be requested to draw a warrant in behalf of the Doorkeeper of the Senate for the sum of $165 on the State Treasury, for the purpose of purchasing postage stamps ordered by the Senate for the use of the members and officers.

Leave being granted,
On motion by Mr. Conner,

Resolved, 1. That the committee on finance be instructed to inquire what legislation, if any, is required to compel the payment of the common school funds now due from the State Treasury to the several counties of the State.

Resolved, 2. That said committee inquire into the expediency of passing a law requiring the Treasnrer of State to keep the common school funds coming into his hands separate from other funds, and prohibiting him from using said funds for any other purpose than that contemplated by the law creating said fund, and that they report by bill or otherwise.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Conner presented the petition of sundry citizens of the county of Wabash, praying the passage of a law declaring tippling houses a nuisance;

Which being read,

Mr. Conner asked and obtained leave to withdraw the petition for the purpose of submitting it to the House of Representatives.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to consider Senate bill No. 145, "a bill to provide for the more uniform mode of doing township business," made the special order for to-day at 10 o'clock, A. M.

Mr. Line moved to amend the bill in section 5, line 3, by striking out "one trustee" and inserting "three trustees," one to act as clerk and one as treasurer.

Mr. Johnston moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Studabaker and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Cravens, Green, Hargrove, Heffren, Johnston, Jones, Lomax, McClure, McLean, Miller, Murray, Odell, Robinson, Shoemaker, Turner, Wallace, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Blair, Conner, Craven, Fisk, Hamilton, Hendry, Hill, Kinley, Line, March, O'Brien, Rice, Slack, Steele, Stevens, Studabaker and Thompson—17.

So the amendment was laid on the table.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 181. An act to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to fix the time of holding said court, and to require all parties, jurors, witnesses, and all others in interest to take notice thereof.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House has concurred in the report of the committee of free conference on House bill No. 12.

Pending the consideration of the special order,
On motion by Mr. Heffren,
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

By unanimous consent,
Mr. Conley introduced

Senate bill No. 201. A bill to require surviving partners to give bonds, file inventories, and make reports of their proceedings to the court having jurisdiction of decedents estates,

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,
Mr. Green introduced

Senate bill No. 202. A bill supplemental to article 9, regulating attachments, chapter 1, of the Revised Statutes of 1852, of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of practice and pleading, without distinction between law and equity," approved June 18, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

By unanimous consent,
Mr. Cravens, chairman of the committee on benevolent institutions, introduced

Senate bill No. 203. A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers,

Which was read a first time and passed to a second reading on to-morrow.

The resolution introduced by Mr. Murray on yesterday, to add two rules to the standing rules of the Senate, was taken up.

Mr. Lomax moved to amend the first resolution by limiting Senators to ten minutes, giving explanations of their votes.

Mr. Slack moved to lay the resolution and pending amendment on the table.

The ayes and noes being demanded by Senators Murray and Heffren.

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Cobb, Craven, Hamilton, Hendry, Jones, Kinley, March, Miller, Robinson, Slack, Steele, Stevens, Thompson and Wilson—16.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bobbs, Brown, Carnahan, Conley, Conner, Cooper, Fisk, Green, Hargrove, Heffren, Hill, Johnston, Lomax, McClure, McLean, Murray, Odell, Shoemaker, Turner and Williams —22.

So the resolution and pending amendment was not laid on the table.

Mr. Stevens moved to amend the amendment by allowing any member to furnish to the reporters reasons for his vote in writing, to be published in the legislative reports.

On motion by Mr. Slack,
The amendment to the amendment was laid on the table.

Mr. Heffren moved to amend the amendment by striking out 'ten,' and inserting 'five.'
Which was agreed to.

By consent of the Senate, Mr. Murray withdrew the resolution.

The Senate resumed the consideration of the Special order, to-wit: Senate bill No. 145, pending at adjournment.

Mr. Bennett moved to amend the bill by striking out from the enacting clause and inserting the following:

SEC. 1. The offices of township treasurer and township clerk, be and the same are hereby abolished.

SEC. 2. It shall be the duty of the township trustees at their first meeting after the first Monday in April, to designate one of their number to act as the president of their board, one of their number to act as treasurer of such township, and one of their number to act as clerk of such township.

SEC. 3. The trustee so designated as treasurer or clerk, shall qualify and perform the duties which are now required by law of the township treasurer and township clerk respectively.

SEC. 4. Such trustees, so designated, shall receive for their services as such treasurer and clerk respectively, such compensation as the board doing county business shall allow, which compensation shall be paid out of the funds belonging to the township the services where the services were rendered.

SEC. 5. The meetings of the boards of township trustees shall be held on the first Mondays of May, August, November and February of each year, and may sit two days at each term, if the business of such township require it.

SEC. 6. The duties and compensation of such township trustees shall be the same as now required by law.

SEC. 7. All laws and parts of laws inconsistent herewith, are hereby repealed.

SEC. 8. Whereas the annual election for township officers will take place before the laws of the General Assembly can be published in each county of this State; therefore, it is hereby declared that an emergency exists for the passage and taking effect of this act, and that the same shall be in force from and after the first Monday in April, A. D. 1859.

Mr. Shoemaker moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Shoemaker.

Those who voted in the affirmative were,

Messrs. Beeson, Brown, Carnahan, Cobb, Conley, Cravens, Hargrove, Heffren, Johnston, Lomax, McClure, McLean, Murray, Odell, Robinson, Shoemaker, Wallace, Weir, Williams and Wilson—20.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Conner, Cooper, Craven, Fisk, Green, Hamilton, Hendry, Hill, Jones, Kinley, March, Miller, Rice, Slack, Steele, Stevens, Thompson and Turner—22.

So the amendment was not laid on the table.

Mr. Conley moved to postpone the further consideration of the bill and pending amendment, till Thursday next at ten o'clock, A. M.

Which was not agreed to.

The question being, shall the amendment be adopted?

The ayes and noes were demanded by Senators Bennett and Heffren.

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Conner, Cooper, Craven, Fisk, Gooding, Green, Hamilton, Hendry, Hill, Jones, Kinley, March, Rice, Steele, Stevens, Thompson and Turner—20.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Brown, Carnahan, Cobb, Conley, Cravens, Hargrove, Heffren, Johnston, Lomax, McClure, McLean, Murray, Odell, Robinson, Shoemaker, Wallace, Weir, Williams and Wilson—21.

So the amendment was not adopted.

Mr. Conley moved to amend the fifth section of the bill by striking out the words "one year," and inserting "two years."
Which was not agreed to.

Mr. Bennett moved to lay the bill on the table.

Mr. Heffren demanded a call of the Senate,
Which was agreed to.

The Secretary proceeded with the call,
Whereupon the following Senators answered to their names:

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack and Steele—36.

Senators Studabaker, Tarkington, Line, Wagner and Jennings were excused from the call.

On motion by Mr. Heffren,
The further call of the Senate was dispensed with.

The question recurred, shall the bill be laid on the table?

The ayes and noes being demanded by Senators Bennett and Conley,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Conner, Cooper, Craven, Fisk,

Hamilton, Hendry, Hill, Jones, Kinley, March, Rice, Slack and Stevens—16.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Brown, Carnahan, Cobb, Conley, Cravens, Green, Hargrove, Heffren, Johnston, Lomax, McClure, McLean, Miller, Murray, Odell, Robinson, Shoemaker, Steele, Thompson, Turner, Wallace, Weir, Williams and Wilson—27.

So the bill was not laid on the table.

On motion by Mr. Murray,

The further consideration of the bill was postponed until Tuesday next at 10 o'clock, A. M., and made the special order for that hour.

Mr. Conner moved that Mr. Slack be permitted to record his vote on the adoption of the amendment of Mr. Bennett, to Senate bill No. 145, taken during session hours this afternoon;

Objections being made,

The ayes and noes being demanded by Senators Heffren and Conner.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Conner, Cooper, Craven, Fisk, Gooding, Green, Hamilton, Hendry, Hill, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Rice, Slack, Steele, Stevens, Thompson, Turner and Weir—26.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Brown, Carnahan, Cobb, Conley, Hargrove, Heffren, Johnston, Murray, Robinson, Shoemaker, Wallace, Williams and Wilson—15.

So the motion prevailed, and Mr. Slack voted in the negative.

Mr. Heffren moved to reconsider the vote by which the amendment of Mr. Bennett to Senate bill No. 145, was not adopted.

Pending the consideration of which,

On motion by Mr. Murray,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock,
February 12, 1859.

The Senate met.

The reading of the Journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. Conner, from the committee on corporations, made the following report:

Mr. President:

The committee on corporations, to whom was referred Senate bill No. 109, "a bill to amend sections 1 and 2 of an act entitled 'an act to provide compensation to the owners of animals killed and injured by the cars, locomotives or other carriages of any railroad company in this State,' approved March 1st, 1853," have had the same under consideration, and have directed me to report there is a bill now pending in the Senate which embraces the provisions of this bill, I am therefore directed to report this bill back to the Senate and recommend that the same be indefinitely postponed.

Which report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Johnston, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred Senate bill No. 75, "a bill to amend the 9th and 30th sections of 'an act regulating the fees of officers, and repealing former acts in relation thereto,' approved March 2d, 1855, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Leave being granted,

Mr. Steele presented the petition of sundry citizens of the county of Parke on the subject of the Wabash and Erie Canal,

Which was referred to the committee on canals and internal improvements.

Mr. Anthony introduced

Senate bill No. 204. A bill to amend an act entitled "an act to provide for the election and prescribing certain duties of recorders," approved May 31, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Lomax introduced

Senate bill No. 205. A bill to repeal all laws now in force establishing the times of holding courts in the common pleas district composed of the counties of Washington, Harrison, Orange and Crawford, and to fix the times of holding said courts,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cobb introduced

Senate bill No. 206. A bill to amend section 24 of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. McLean introduced

Senate bill No. 207. A bill relative to the salaries of the judges of the supreme and circuit courts, and of the prosecuting attorneys of the several judicial circuits, and the manner of reimbursing the State against the expenses of the judiciary,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 208. A bill to amend the 1st section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown introduced

Senate bill No. 209. A bill to amend the 1st section of an act

entitled "an act to exempt property from sale in certain cases," approved February 17, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

The order of business was suspended, and

On motion by Mr. Carnahan,

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 210. An act to create the fifteenth judicial circuit.

In which the concurrence of the Senate is respectfully requested.

House bill No. 210, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Steele, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred Senate bill No. 126, "a bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be referred to the joint committee of the two Houses on the subject of a geological survey of the State;

Which report was concurred in and the bill was so referred.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 49. An act fixing the time of holding courts in the fifth judicial circuit, and repealing all laws in conflict therewith.

On motion by Mr. Heffren,
The order of business was suspended, and

The following messages from the House were taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 101. An act to regulate the practice in civil cases in the courts of this State in taking exceptions to the overruling of demurrers. Also,

House bill No. 103. An act to amend the 49th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855, and to legalize the acts of certain officers therein named. Also,

House bill No. 131. A bill to secure dues from private corporations. Also,

House bill No. 133. An act supplemental to act entitled "an act to amend the 65th and 66th sections of an act to provide for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 27, 1852, and supplemental thereto, approved February 20, 1855.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 101, 103, 131 and 133 were each read a first time and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 104. A bill to amend section seven of an act to authorize the construction of levees and drains, approved June 12, 1852. Also,

House bill No. 86. A bill for the relief of Jane Walker. Also,

House bill No. 70. An act to make certain appropriations for the purpose of digging and constructing what is known as the Grand Calumet Canal or ditch in Lake county, Indiana, and defining the duty of the swamp land commissioner of Lake county, in relation thereto. Also,

House bill No. 69. A bill to repeal all general laws now in force providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize them to construct, in connection with bridges, causeways across low bottoms, collect toll, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters properly connected therewith.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 104, 86, 70 and 69, contained in the foregoing message, was each read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 23. An act to legalize the commission of justice of the peace, issued to L. B. Osborn, Esq., of Jackson county, and also to legalize his acts under it. Also,

House bill No. 27. A bill to authorize plank, macadamized, and gravel road companies to consolidate their work with other similar companies, and to assume a common name, and defining the powers of such consolidated company. Also,

House bill No. 28. A bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken, or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence. Also,

House bill No. 48. A bill to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852. Also,

House bill No. 60. A bill to authorize the county commissioners of Grant county to open a settlement with Samuel N. Woolman, and grant any relief due said Woolman.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 23, 27, 28, 48, and 60, contained in the foregoing message, was each read a first time, and passed to a second reading on to-morrow.

Leave being granted,
Mr. Bobbs presented the memorial of sundry citizens of the city of Indianapolis, on the subject of University Square in said city,
Which,
On motion,
Was referred to the committee on the judiciary.

Leave being granted,
Mr. Steele presented the petition of sundry citizens of the counties of Parke and Vermillion, on the subject of the Wabash and Erie canal,
Which,
On motion,
Was referred to the committee on canals and internal improvements.

Leave being granted,
Mr. Murray introduced

Senate bill No. 210. A bill to repeal an act to amend an act, entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852,
Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,
Mr. Cooper presented the petition of Bernard Murphy,
Which,
On motion,
Was referred to the committee on claims.

A message from the House by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 16. An act to amend an act entitled "an act to amend the 32d section of an act defining misdemeanors, and prescribing punishment therefor," approved March 7, 1857.

House bill No. 57. An act to amend the 74th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 17, 1852.

House bill No. 79. A bill requiring the county from which a change of venue in a criminal case has been taken to pay the expenses of such trial to the county in which such trial has been had.

House bill No. 95. A bill to legalize the locations, vacations and changes of public highways within this State.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 16, 57, 79 and 95 were each read a first time and passed to a second reading on to-morrow.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 82. An act to regulate the practice in certain cases appealed to the supreme court. Also,

House bill No. 85. A bill for the relief of Peter Shults, of Green county, and releasing to him the interest which the State holds in certain lands. Also,

House bill No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates therefor.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 82, 85 and 147, contained in message, was each read a first time and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 59. An act to extend to borrowers of sinking fund, surplus revenue fund, congressional school fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto. Also,

House bill No. 93. A bill to amend the sixth section and third clause of the seventh section of an act entitled "an act regulating

the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 59 and 93, contained in the foregoing message,

Was each read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 5. A bill incorporating school townships, defining their powers, requiring the title to school lots to be vested in the corporate name of the township, town or city in which the same is situate; authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and trustees of an incorporated town to levy all taxes for schools and for building and repair of school houses, and to repeal all laws inconsistent with this act.

In which the concurrence of the Senate is respectfully requested.

House bill No. 5, contained in the foregoing message,

Was read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 169. A bill for the relief of the heirs at law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State of Indiana.

In which the concurrence of the Senate is respectfully requested.

House bill No. 169, contained in the foregoing message, was read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 3. A bill to amend section 302 of "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases; also to allow defendants to testify in certain actions brought by assignees, where the assignor testifies.

House bill No. 20. An act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 3 and 20, was each read a first time, and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

Senate Bills on their Third Reading.

Leave being granted,
Mr. McLean introduced

Senate bill No. 211. A bill to regulate the business of foreign insurance companies within the State of Indiana, and prescribing the duties of such companies, and to repeal an act entitled "an act to amend an act for the incorporation of insurance companies, defining their powers and duties," approved March 2, 1855,

Which was read a first time and passed to a second reading on to-morrow.

Senate bill No. 63. A bill to amend the fifth section of an act entitled "an act to provide for the equalizing the appraisment of the real property of the State of Indiana," approved May 28, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Williams and Wilson—36.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

House bill No. 23. An act to legalize the commission of justice of the peace issued to L. B. Osborn, Esq., of Jackson county, and also to legalize his acts under it.

Mr. Conley moved to suspend the order of business, and to take up Senate bill No. 201,
Which was agreed to, and

Senate bill No. 201. A bill to require surviving partners to give bonds, file inventories, and make reports of their proceedings to the court having jurisdiction of decedents estates,
Was taken up, and read a second time.

On motion by Mr. Hamilton,
The bill was referred to the committee on the judiciary.

Leave being granted,
On motion by Mr. Steele,

Resolved, That when the Senate adjourn it stand adjourned until Monday next at 2 o'clock, P. M.

SENATE BILLS ON SECOND READING.

Senate Bill No. 138. A bill to fix the amount of the salary of State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant librarian and clerk,
Was read a second time, and
On motion,
Referred to the committee on State Library.

Senate Bill No. 139. A bill for the protection of sidewalks in incorporated towns and villages within this State, and for the punishment of persons injuring or obstructing the same,
Was read a second time, ordered to be engrossed, and read a third time on to-morrow.

Senate Bill No. 140. A bill to amend section 161 of an act entitled "an act to revise, simplify and abridge the rules, practice,

pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate Bill No. 141. A bill requiring the clerks of the Circuit Courts to keep a public record of moneys paid into their offices, and in relation to moneys now in their hands belonging to said offices,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 146. A bill to provide for the publication of all acts and joint resolutions of the General Assembly, which contain an emergency clause, in weekly newspapers of the several counties of the State in which one is published, and the time that said act shall take effect,

Was read a second time.

On motion by Mr. Conner,

The bill was referred to a select committee of three.

The President appointed Senators Conner, March and Carnahan said select committee.

Senate bill No. 147. A bill to distribute the interest and profits of the Sinking Fund to the use of common schools of the State and prescribing duties of officers in relation thereto, and for the punishment thereof,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 148. A bill to repeal an act entitled "an act to prevent railroad companies from changing their depots, except on conditions therein named,"

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 176. A bill to amend sections eight and ten of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9th, 1852,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 177. A bill to amend the 18th section of an act

entitled "an act to amend section 3 of an act entitled 'an act for the regulation of weights and measures,'" approved June 9, 1852, approved February 28, 1855,

Was read a second time, and

On motion,

Referred to the committee on agriculture.

Senate bill No. 178. A bill providing for the election or appointment of supervisors of highways, and prescribing their duties, and those of county and township officers in relation thereto,

Was taken from the files.

Mr. Murray moved to suspend the rules and read the bill a second time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wallace, Williams and Wilson—34.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second time by its title.

On motion by Mr. Shoemaker,

The bill was referred to the committee on roads.

Senate bill No. 179. A bill to provide for the dispatch of business by the Legislature during its sessions, and to provide for withholding pay from the members who unnecessarily absent themselves during its sessions,

Was read a second time, and

On motion,

Referred to the committee on rights and privileges.

Senate bill No. 153. A bill to fix the time of holding courts of common pleas in the counties of Steuben and DeKalb, and to repeal all laws heretofore passed on that subject,

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 180. A bill to provide for a general system of registry of births and deaths throughout the State, prescribing the

duties of certain persons and officers connected therewith, and affixing penalties,

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 150. A bill declaring the selling or conveying of land without title a felony, and prescribing punishment therefor,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 152. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and to connect their roads with the roads of said companies, and to authorize rail road companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed,

Was read a second time, and

On motion,

Referred to the committee on corporations.

Senate bill No. 158. A bill concerning the jurisdiction of the person of the defendant in civil actions, not resident of the county or township in which the suit is brought,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 154. A bill requiring parties in civil suits to advance the fees of sheriffs in the cases therein specified,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 156. A bill authorizing the purchase of railroads, plank roads, turnpike roads, or McAdamized roads, or parts thereof, under mortgage sales, or sales made according to the terms of the deeds of trust, to organize as incorporated companies, and prescribing their powers and duties,

Was read a second time, and

On motion,

Referred to the committee on corporations.

Senate bill No. 203. A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 159. A bill for the relief of county treasurers,
Was read a second time, and
On motion,
Referred to the committee on finance.

Senate bill No. 155. A bill to prevent the keeping of gaming, tippling, lewd, or disorderly houses; to protect the public morals, to define the duties of certain officers in relation thereto, to provide punishment for violations of this act, and to repeal all laws in conflict herewith,
Was read a second time, and
On motion,
Referred to the committee on the judiciary.

Senate bill No. 183. A bill in relation to the partition of real estate,
Was read a second time, and
On motion,
Referred to the committee on the judiciary.

Senate bill No. 175. A bill to regulate the sale of spirituous or intoxicating liquors and to prescribe proper punishment for a violation of the same,
Was read a second time, and
On motion by Mr. Lomax,
Referred to a select committee of three.

The President appointed Senators Lomax, Cooper and Gooding said select committee.

Senate bill No. 160. A bill to amend the fourth section of an act to provide for the election, fixing the compensation, and prescribing the duties of attorney general of the State of Indiana, approved February 21, 1855,
Was read a second time, and
On motion,
Referred to the committee on finance.

Senate bill No. 161. A bill authorizing married women to dispose of their separate property, and legalizing contracts heretofore made by them in reference thereto,
Was read a second time, and
On motion,
Referred to the committee on the judiciary.

Senate bill No. 162. A bill to amend the eighty-fourth section of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities,

prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,

Was read a second time, and

Referred to the committee on corporations.

Senate bill No. 163. A bill relinquishing to William English of Dearborn county the interest acquired by the State of Indiana, by escheat in and to in-lot No. 33, in Rossville in said county,

Was read a second time.

Mr. O'Brien moved to refer the bill to a select committee of five.

Which was agreed to.

The President appointed Senators O'Brien, Cobb, Bennett, Heffren and Murray said select committee.

Senate bill No. 164. A bill to amend the eleventh section of an act entitled "an act establishing courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 184. A bill to amend the first section of "an act in relation to county treasurers," approved June 4, 1852,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 165. A bill to amend sections 14 and 15 of an act defining felonies and prescribing punishment therefor,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 174. A bill fixing the time of holding the court of common pleas in the county of Hendricks, and the length of the terms thereof, and repealing all laws in conflict therewith,

Was read a second time.

Mr. Blair moved to amend the first section of the bill by striking out the word "second" and insert the word "third."

Amend the fourth section by striking out the word "July" and insert the word "April."

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 171. A bill to repeal the ninth section of an act

entitled "an act to amend an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto, into one act and to amend the same," approved January 15, 1849.

Was read a second time, and

Referred to the committee on corporations.

Senate bill No. 168. A bill to prescribe the time, place and manner of electing United States Senators, and the manner of authenticating such elections,

Which was read a second time.

Mr. March moved to refer the bill to a select committee in charge of a bill introduced by Mr. Odell on the same subject.

Which was agreed to.

Senate bill No. 173. A bill to prevent the circulation of foreign bank bills or notes of a less denomination than five dollars,

Was read a second time, and

On motion,

Referred to the committee on banks.

Senate bill No. 169. A bill granting the use of part of square 25, in Indianapolis, to the North-Western Christian University and authorizing said University to increase its capital stock,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 166. A bill re-districting the State for courts of common pleas, defining its jurisdiction and powers, providing for the election, powers and compensation of its judges, and for certifying causes, and repealing an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14th, 1852,

Was read a second time.

Mr. Cobb moved to refer the bill to a select committee on one from each congressional district.

Which was agreed to.

The President appointed Senators Carnahan, Heffren, Cobb, Stevens, Bennett, Bobbs, McLean, Wagner, Brown, Hamilton and Murray said select committee.

Senate bill No. 167. An act to set apart one million of dollars of the assets belonging to the Sinking Fund to meet the interest and principal of the bank bonds, and to provide for a distribution to the

use of the common schools of a portion of the nett earnings of said fund,

Was read a second time, and

On motion,

Referred to the committee on finance.

Senate bill No. 187. A bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein,

Was read a second time, and

On motion,

Referred to the committee on banks.

Senate bill No. 188. A bill to provide for oral argument and speedy decision of causes in the supreme court, and to repeal all laws inconsistent with this act,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 189. A bill prescribing the length of residence in a county and township necessary to constitute a person a legal voter therein; defining a violation of the provisions of this act to be a misdemeanor, and prescribing the punishment therefor, amending sections twenty-one and twenty-two of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7th, 1852, and repealing all laws in conflict herewith,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 190. A bill to authorize the formation of companies for the detection of horse thieves and other felons, and defining their powers,

Was read a second time, and

On motion,

Referred to the committee on rights and privileges.

Senate bill No. 191. A bill to amend the 38th section of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 14, 1852,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 194. A bill requiring a debtor claiming the benefit of "an act to exempt property from sale in certain cases," approved February 17, 1852, to furnish any officer having an execution against the property of the debtor, a schedule under oath or affirma-

tion of all the property held by him, and by others in trust for his benefit, and designate thereon the property selected by him as exempt under said law, and prescribing a penalty for a refusal to comply with said requirement,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 195. A bill to enable married women to make wills,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 196. A bill to amend section first of article eight, of the constitution of the State of Indiana,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 197. A bill to amend an act entitled "an act establishing the bank of the State of Indiana, authorizing it to establish branches, to continue as such for the term of twenty years from the date of its organization, and for such longer period thereafter as shall be necessary promptly to close its business," passed on the 3d of March, 1855, the Governor's objections to the contrary notwithstanding,

Was read a second time.

Mr. Gooding moved to refer the bill to a select committee of five.

Which was agreed to.

The President appointed Senators Robinson, March, Wallace, Steele and Hamilton said select committee.

Senate bill No. 198. A bill to provide for the taxing and collection of docket fees in certain cases, and the payment of the same to the State and county treasurers,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 199. A bill to authorize and empower clerks of the circuit court and clerks of the court of common pleas of the several counties in this State to enter satisfaction of record of all mortgages that may have been foreclosed and judgment rendered thereon, and shall have been satisfied in such courts,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 200. A bill to amend section 14 of an act entitled "an act to limit the number of grand jurors and to point out the mode of their selection, defining their jurisdiction and repealing all laws inconsistent therewith," approved March 4, 1852, so as to give cognizance of misdemeanors to grand jurors,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 202. A bill supplemental to article 9, regulating attachments, chapter 1, of the Revised Statutes of 1852, of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of practice and pleading, without distinction between law and equity,"

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

On motion by Mr. Hamilton,

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that they have concurred in the Senate's engrossed amendment to House bill No. 168, a bill to amend the first section of an act entitled "an act authorizing rail road, plank road, turnpike road and macadamized road companies to borrow money, and to secure the payment thereof by mortgage," approved February 5, 1852, with the following engrossed amendment of the House to the engrossed amendments of the Senate.

Amend by adding the following words: "and bridge companies organized under the laws of this State."

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Hamilton,

The engrossed amendment of the House to the engrossed amendment of the Senate, was agreed to.

Mr. Heffren moved to amend the title of the bill so as to include bridge companies.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to House bill No. 36, an act to fix the time of holding circuit courts in the ninth judicial district.

Leave being granted,
Mr. March offered the following resolution:

Resolved, That the State Librarian be authorized to sell the old desks, removed from the Senate chamber, at private sale, if in his opinion, such sale will be more advantageous than a public sale.

On motion by Mr. Steele,
The Senate adjourned.

MONDAY, 2 o'clock, P. M., }
February 14, 1859. }

The Senate met.

The Journal of Saturday was read.

On motion by Mr. Heffren,
The further consideration of Senate Joint Resolution No. 8, "a joint resolution on the subject of Cuba," made the special order for to-day at 2 o'clock, P. M., was postponed till two weeks from to-day, and made the special order for that day at 2 o'clock, P. M.

REPORTS FROM STANDING COMMITTEES.

Mr. McLean, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill

No. 200, "a bill to amend section 14 of 'an act to limit the number of grand jurors and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith,' approved March 4th, 1852, so as to give cognizance of misdemeanors to grand juries," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be laid on the table.

Which report was concurred in.

Mr. Cobb, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 195, "an act to enable married women to make wills," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Cobb, from the committee on the judiciary, made the following report:

MR. PRESIDENT

The committee on the judiciary, to whom was referred Senate bill No. 141, "a bill requiring the clerks of the circuit courts to keep a public record of moneys paid into their offices, and in relation to moneys now in their hands belonging to said offices," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

On motion,

The report and bill were laid on the table.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 150, "an act declaring the selling and conveying of land without title a felony, and prescribing punishment therefor," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 194, "a bill requiring the debtor claiming the benefit of an act to exempt property from sale in certain cases, approved February 17th, 1852, to furnish to any officer having any execution against the property of the debtor, a schedule under oath or affirmation of all the property held by him, and by others in trust for his benefit, and designate thereon the property selected by him as exempt under said law, and prescribing a penalty for a refusal to comply with said requirement," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

On motion by Mr. Heffren,
The bill was laid on the table.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 158, "a bill concerning the jurisdiction of the person of the defendant in civil actions, not resident of the county or township in which the suit is brought," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage, with the following amendment:

Strike out all after the second line and insert the following:
"All actions brought by the assignee of any note or written instrument, or other claim, whether the assignment be in writing or by delivery, shall be commenced in the county, if brought in the circuit or common pleas court, and in the township, if brought before a justice of the peace, where one or more persons immediately liable to judgment thereon shall reside, and not elsewhere.

Which report was concurred in.

The question being, shall the amendment be adopted?
It was agreed to.

The bill ordered to be engrossed read a third time on to-morrow.

Mr. Conner, from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT:

The committee on canals and internal improvements to whom was referred the memorial of the citizens of the State of Indiana along the line of the Wabash and Erie Canal, as also sundry petitions from the same part of the State, have had the same under consideration. In view of the considerations presented in said memorial, the various petitions, and the large interests involved, and to provide for the exigency that seems to exist, the committee have directed me to report the accompanying bill for the consideration of the Senate, and recommend its passage, to-wit:

Senate bill No. 212. A bill releasing the right of the State of Indiana to redeem the Wabash and Erie canal, and granting permission to the trustees thereof, to rent or lease the same, and matters properly connected therewith.

Mr. Wallace moved to suspend the rules, and read the bill a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, Shoemaker, Steele, Stevens, Thompson, Turner, Wallace, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Johnston, Line and O'Brien—3.

So the rules were suspended and the bill read a first time by its title.

Mr. Carnahan moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

On motion by Mr. Carnahan,
The bill was laid on the table, and 200 copies ordered to be printed for the use of the Senate.

Mr. Gooding, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 133, a bill respecting the removal of executors, administrators and guardians, and the appointment of commissioners to settle their trusts in certain cases, have had the same under consideration, and instructed me to report the same back to the Senate, and recommend its indefinite postponement, there being no necessity for further legislation on the subject matter of the bill;

Which report was concurred in, and the bill indefinitely postponed.

Mr. Slack, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 191, a bill to amend the 38th section of an act entitled "an act defining felonies and prescribing the punishment therefor," approved June 10, 1852, have had the same under consideration and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

On motion by Mr. Heffren,
The bill was laid on the table.

Mr. Slack, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 169, a bill granting the use of part of square 25, in Indianapolis, to the North Western University, and authorizing said University to increase its capital stock, have had the same under consideration and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

On motion by Mr. Bobbs,
The bill was laid on the table.

Mr. Shoemaker, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred Senate bill No. 176, a bill to provide for the election or appointment of supervisors of highways and prescribing certain of their duties, and those of

county and township officers in relation thereto, have had the same under consideration and have directed me to report the same back with an amendment, and when so amended to recommend its passage.

Amend section twenty-one by adding:

Provided, That if any supervisor shall not give such bond, then he shall be entitled to give his order on the trustee in favor of any person entitled thereto, for labor done, in any amount not exceeding the amount due his road district, and such order shall distinctly state the services performed by such person.

Which report was concurred in.

The question being, shall the amendment be adopted?

It was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Heffren moved that Senate bill No. 2, a bill regulating the choosing of United States Senators by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing, be made the special order for Wednesday next at 10 o'clock, A. M.

Which was agreed to.

Mr. Murray, from the committee on the organization of courts, made the following report:

MR. PRESIDENT:

The committee on the organization of courts, to whom was referred Senate bill No. 128, a bill in relation to the publication of legal advertisements, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed, and read a third time on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Lomax, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 137, "a bill to amend 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in

the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,'" have had the same under consideration, and have directed me to report the same back with the recommendation that it be laid on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 70, "a bill supplemental to 'an act concerning county prisons,' approved May 27, 1852, and to authorize the establishment of work houses, and the confinement of certain persons therein at labor," have had the same under consideration, and have directed me to report the same and back recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Hendry, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 186, "a bill to amend the 2d section of an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed and read a third time on to-morrow.

BILLS INTRODUCED.

Mr. Blair introduced

Senate bill No. 213. A bill to amend sections 50, 65 and 66 of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected wtth the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Conley introduced

Senate bill No. 214. A bill to amend section 18 of an act enti-

tled "an act providing for the election of justices of the peace, and defining their powers and duties in civil cases,"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Craven introduced

Senate bill No. 215. A bill authorizing the voters of townships to vote a tax to finish unfinished railroads running through the township,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. O'Brien introduced

Senate bill No. 216. A bill to amend the 79th and 18th sections of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5th, 1855,

Which was read a first time and passed to a second reading on to-morrow.

Mr. McLean introduced

Senate bill No. 217. A bill to provide for the enlargement of the State Prison, and providing duties of officers in relation thereto, and punishment for violation thereof, and making appropriations for the enlargement thereof,

Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Bobbs, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wallace, Williams and Wilson—36.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Anthony,
The bill was referred to the committee on State prison.

Mr. Slack introduced

Senate bill No. 218. A bill to define the meaning of the constitution, and to prevent the importation of illegal voters, and to prescribe punishment therefor,
Which was read a first time and passed to a second reading on to-morrow.

Leave being granted,
Mr. Murray presented the memorial of the "Cass County Eel River Seminary Society," on the subject of said Seminary,
Which,
On motion by Mr. Murray,
Was referred to the committee on the judiciary.

Leave being granted,
Mr. Conley presented the memorial of sundry citizens of the county of Green on the subject of the Wabash and Erie Canal;
Which,
On motion,
Was referred to the committee on canals and internal improvements.

ORDERS OF THE DAY.

House Bills on their Second Reading.

House bill No. 93. A bill to amend the sixth section and third clause of the seventh section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852,
Was read a second time.

Mr. March moved to amend the bill by adding the following sections:

Sec. —. And that section 12, which reads as follows, to-wit: "Sec. 12. The court may proceed to hear and determine such cause whenever such summons shall have been served fourteen days, or such publication made thirty days before the first day of the term," be amended to read as follows, to-wit: "The cause shall stand for issue and trial at the first term of the court after the summons has been personally served upon the defendant ten days, or publication has been made thirty days before the first day of such term."
Sec. —. And that section 14, which read as follows, to-wit: "Sec. 14. The defendant may, in addition to his or her answer,

file a cross petition for divorce, and the court shall, in such case, decree the divorce, if any, in favor of the party legally entitled to the same," be amended to read as follows, to-wit: "In addition to an answer the defendant may file a cross petition for divorce, and when filed the court shall decree the divorce to the party legally entitled to the same. If the original petition be dismissed after the filing of a cross petition, the defendant may proceed to the trial of the cross petition without further notice to the adverse party."

SEC. —. And that section 19, which reads as follows, to-wit: "The court shall make such other decree for alimony, as the circumstances of the case, the pecuniary condition of the parties, and the amount of the personal property received by the husband from the wife's estate shall render just and proper," be amended so as to read as follows, to-wit: "The court shall make such decree for alimony in all cases contemplated by this act as the circumstances of the case shall render just and proper."

SEC. —. And that section 20, which reads as follows, to-wit: "Sec. 20. A divorce decreed on account of the misconduct of the wife shall entitle the husband to the same rights, so far as his or her real estate is concerned, as he would have been entitled to by her death," be amended so as to read as follows, to-wit; "A divorce decreed on account of the misconduct of the wife shall entitle the husband to the same rights, so far as his real estate is concerned, as he would have been entitled to by her death."

SEC. —. Parties, against whom a judgment of divorce shall hereafter be rendered, without other notice than publication in a newspaper, herein required, may at any time, within two years after the rendition of the judgment, have the same opened and be allowed to defend; but before any judgment shall be opened, such party shall give notice to the original plaintiff of his intention to make application to have the judgment opened, as the court in term, or the judge thereof in vacation, shall require, and shall file a full answer to the original complaint for divorce, and an affidavit stating that during the pendency of the action, he or she received no actual notice thereof, in time to appear in court, and object to the judgment; and shall also pay all such costs as the court shall direct. Any property which was sold under any such judgment, so sought to be opened, and which shall have passed into the hands of a purchaser in good faith, shall not be affected by any proceeding consequent upon the opening of such judgment. The provisions of this section set out, shall apply to all questions of property, alimony or the custody of children, and to all other questions, connected with the judgment, except that where either of the parties has married, after the judgment of divorce, prior to such notice given; in such case the dissolution of the marriage contract shall not be set aside. The provisions of this section shall extend to decrees of divorce heretofore, as well as those hereafter rendered, so far as relates to alimony, disposition of property and the care and custody of children.

SEC. —. Whereas advantage is daily taken of the existing law

by non-resident parties who are not entitled to a divorce, it is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

Which was agreed to.

Mr. Heffren moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Craven, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wallace, Williams and Wilson—36.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wallace, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Gooding moved to reconsider the vote by which the bill passed.

Which was agreed to.

Mr. March moved to amend the last section of the bill by adding, "except as provided in the next preceding section."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb,

Conley, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wallace, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Heffren and Hendry—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. March,
The title to the bill was amended by adding thereto, "and to provide for the opening up of decrees of divorce in certain cases."

House bill No. 3. A bill to amend section 302 of "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases; also to allow defendants to testify in certain actions brought by assignees, where the assignor testifies.
Was read a second time, and
Referred to the committee on the judiciary.

House bill No. 5. A bill incorporating school townships, defining their powers, requiring the title to school lots to be vested in the corporate name of the township, town or city in which the same is situate; authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and trustees of an incorporated town to levy all taxes for schools and for building and repair of school houses, and to repeal all laws inconsistent with this act.
Was read a second time, and
On motion,
Referred to the committee on education.

House bill No. 16. An act to amend an act entitled "an act to amend the 32d section of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852," approved March 7, 1857.
Was read a second time, and
On motion,
Referred to the committee on the judiciary.

House bill No. 20. An act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 27. A bill to authorize plank, macadamized, and gravel road companies to consolidate their work with other similar companies, and to assume a common name, and defining the powers of such consolidated company,

Was read a second time, and

Referred to the committee on the judiciary.

House bill No. 28. A bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken, or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence,

Was read a second time.

Mr. Carnahan moved to amend by adding to the first section the following:

"Saving in all cases to any party the right of objecting to such deposition or any part thereof, when offered in evidence, for illegality in taking the same, incompetency or incapacity of the witness, or for any other cause which would have been a good ground of objection under the law existing at the time the deposition may have been taken."

On motion by Mr. Gooding,

The bill and pending amendment was referred to the committee on the judiciary.

House bill No. 48. A bill to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852,

Was read a second time, and

On motion,

Referred to the committee on county and township business.

House bill No. 57. A bill to amend the 74th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 17, 1852,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 59. A bill to extend to borrowers of sinkign

fund, surplus revenue fund, college fund, saline fund, congressional school fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto,

Was read a second time, and

On motion,

Referred to the committee on education.

House bill No. 60. A bill to authorize the county commissioners of Grant county to open a settlement with Samuel N. Woolman, and grant any relief due said Woolman,

Was read a second time, and

On motion,

Referred to the committee on finance.

House bill No. 69. A bill to repeal all general laws now in force providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize them to construct, in connection with bridges, causeways across low bottoms, collect toll, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters properly connected therewith.

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 70. A bill to make certain appropriations for the purpose of digging and constructing what is known as the Grand Calumet Canal or ditch in Lake county, Indiana, and defining the duty of the swamp land commissioner of Lake county, in relation thereto,

Was read a second time, and

Referred to the committee on swamp lands.

House bill No. 79. A bill requiring the county from which a change of venue in a criminal case has been taken to pay the expenses of such trial to the county in which such trial has been had,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 82. A bill to regulate the practice in certain cases appealed to the supreme court,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 85. A bill for the relief of Peter Shults, of Green county, and releasing to him the interest which the State holds in certain lands,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 86. A bill for the relief of Jane Walker,
Was read a second time and passed to a third reading on to-morrow.

Mr. Conner moved to reconsider the vote on the adoption of a resolution authorizing the State Librarian to sell the old desks that were removed from the Senate Chamber at private sale.
Which was agreed to.

On motion by Mr. March,
The resolution was laid on the table.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signature of the President and Secretary thereof, enrolled House bill No. 168.

The President signed the bill.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

House bill No. 168. An act to amend the title and first section of an act entitled "an act authorizing railroad, plank road, and McAdamized road companies to borrow money, and to secure the repayment thereof by mortgage," approved February 5, 1852.

House bill No. 95. A bill to legalize the locations, vacations and changes of public highways within this State,
Was read a second time, and
Referred to the committee on the judiciary.

House bill No. 101. A bill to regulate the practice in civil cases in the courts of this State in taking exceptions to the overruling of demurrers,
Was read a second time, and
Referred to the committee on the judiciary.

House bill No. 103. A bill to amend the 49th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and mat-

ters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855, and to legalize the acts of certain officers therein named,

Was read a second time, and

Referred to the committee on the judiciary.

House bill No. 104. A bill to amend section seven of an act to authorize the construction of levees and drains, approved June 12, 1852,

Was read a second time.

Mr. Craven moved to amend the bill as follows:

That section first of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852, which reads as follows, to-wit: "That any number of persons, not less than five, who may be interested in constructing a levee or drain, may associate themselves together and adopt and subscribe articles which shall specify the name and objects of the association," be amended to read as follows, to-wit: "That any number of persons, not less than five, who may be interested in constructing any drain, or breakwater, or who may be interested in opening, improving or clearing out any drain or watercourse, or doing any other work necessary to protect or reclaim any wet lands, or lands subject to overflow, may associate themselves together and adopt and subscribe articles which shall specify the name and object of the association."

SEC. —. That section 12 of said act, which reads as follows, to-wit: "If the board of directors shall determine to construct any levee or drain they shall appoint three appraisers, not members of the association, nor interested in the proposed work, nor in any lands to be affected thereby, who shall examine all the lands liable to be in any way affected by the proposed work, and shall make out a list of the same, shall assess the amount of benefit or injury to each tract of land, and shall make out a schedule thereof, with the assessments aforesaid, and shall append thereto their affidavit that the same is in all respects a true assessment, to the best of their judgment and belief, which shall be filed with the clerk of the board, who shall cause the same to be recorded in the Recorder's office of the county in which the lands lie, and from the time of such recording said assessment shall be a lien upon said land for the amount of the assessment," be, and the same is hereby amended to read as follows, to-wit: "If the board of directors shall determine to construct any such drain or breakwater, or to improve or clear out any drain or watercourse, or to do any other work necessary to protect or reclaim any wet lands, or lands subject to overflow, they shall apply to ———, whose duty it shall be to appoint three appraisers, not members of the association, nor in any way interested in the proposed work, and said appraisers, when so appointed, shall examine all lands liable in any way to be affected by the proposed work, and shall

make out a list of the same, and shall assess the amount of benefit or injury to each tract of land, and shall make out a schedule thereof, with their assessments aforesaid, and shall append thereto their affidavit that the same is, in all respects, a true assessment, to the best of their judgment and belief, which shall be by them filed with the clerk of the board, who shall cause the same to be recorded in the Recorder's office of the county or counties in which the lands lie, and from and after the time of such recording said assessment shall be a lien upon said lands for the amount of the assessment of benefit less the assessment of injury, in case there is injury and benefit to the same individual.

SEC. 3. All the members of such companies shall be immediately liable for all debts contracted by, and damages assessed against any company of which he may, at the time, be a member.

SEC. 4. Any such board is empowered to use, for the purpose of constructing, improving or maintaining any ditch, drain or watercourse, any amount of land necessary for the same, not exceeding ——— rods in width, by first paying the owner of the land whatever amount of damages may be assessed to him by the appraisers.

SEC. 5. Any person who shall obstruct the channel of any ditch, drain or watercouse, constructed, improved or maintained by any such company, for every such obstruction shall be liable to such company in the sum of one dollar for every day such obstruction shall continue, to be recovered by an action brought before a justice of the peace, in the name of such company.

SEC. 6. All the other provisions of said act, approved June 12, 1852, shall continue in full force, and apply to sections first, seventh and twelfth as amended by this act.

On motion by Mr. Hill,

The bill and pending amendments was referred to the committee on agriculture.

House bill No. 133. An act supplemental to act entitled "an act to amend the 65th and 66th sections of an act to provide for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 27, 1852, and supplemental thereto, approved February 20, 1855,

Was read a second time, and

Referred to the committee on the judiciary.

House bill No. 131. A bill to secure dues from private corporations,

Was read a second time, and

On motion,

Referred to the committee on corporations.

House bill No. 169. A bill for the relief of the heirs at law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State of Indiana,

Was read a second time, and

On motion,

Referred to the committee on finance.

House bill No. 210. An act to create the fifteenth judicial circuit,

Was read a second time.

Mr. Shoemaker moved to refer the bill to a select committee of three.

Which was agreed to.

The President appointed Senators Shoemaker, Carnahan and Lomax said select committee.

SENATE BILLS ON SECOND READING.

Senate bill No. 151. A bill entitled an act to authorize appeals from the circuit courts, within this State, to the supreme court in contested election cases,

Was read a second time.

Mr. Slack moved to refer the bill to a select committee of three.

Which was agreed to, and

The President appointed Senators Slack, Wallace and Cobb said select committee.

Leave being granted,

Mr. Wallace, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 88, "a bill to amend the third and fourth sections of an act entitled 'an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for a violation of this act,' approved Feb. 26, 1857, and also adding a supplemental section to the said act of 1857," and, also, Senate bill No. 99, "a bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this, and to repeal all laws and parts of laws in conflict with the provisions of this act," have had the same under consideration, and have directed me to report Senate bill No. 88 back to the Senate and recommend its indefinite postponement. They also direct me to report the following amendments to Senate bill No. 99:

First. Amend section three by striking out "March" and inserting "February."

Second. Amend section first by striking out "September" and inserting "August."

Third. Amend section four by striking out "March" and inserting "January."

After the adoption of said amendment, the committee recommend the passage of the bill.

The question was then put, shall Senate bill No. 88 be indefinitely postponed as recommended by the committee?

Which was agreed to.

The amendments proposed by the committee to Senate bill No. 99 were separately considered and adopted.

Mr. Heffren moved to recommit the bill to the select committee with instructions to amend so that no person shall, at any time, be authorized to trap quails and partridges.

Mr. Turner moved to further instruct the committee to so amend the bill as to allow the taking and shooting of prairie chickens between the first day of September and the first day of March.

Pending the consideration of which,

On motion by Mr. Murray,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
February 15, 1859. }

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Conner presented the petition of sundry citizens of the county of Wabash, on the subject of the Wabash and Erie canal,

Which,

On motion,

Was laid on the table.

Mr. Hamilton presented the petition of numerous citizens of the county of Allen, on the subject of the Wabash and Erie canal,

Which,

On motion,

Was laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 188, "a bill to provide for oral argument and speedy decision of causes in the supreme court, and to repeal all laws inconsistent with this act," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

Add to the second section the following: "but the decision of causes heretofore submitted shall not be delayed by the provisions of this act."

Which report was concurred in.

The question being, shall the amendment be adopted?

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing said committee "to inquire into the legality and expediency of the passage of a law authorizing county auditors to sell mortgaged lands for the non-payment of principal or interest of any of the school funds, without first having to obtain a judgment by foreclosure, and to report by bill or otherwise," have had the same under consideration, and have instructed me to report the same back to the Senate and say, in the opinion of said committee, no further legislation is necessary on the subject matter of the resolution,

Which report was concurred in.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 202, "being a bill supplemental to article nine, regulating attachments, of chapter one of the revised statutes of 1852," have had the same under consideration, and have directed me to report the accompanying amendment, and when so amended recommend its passage:

Amend as follows: strike out the word "the," in the sixth line of section one and insert "an;" also, after the word "issued," in the same line insert "upon a claim then due."

Which report was concurred in.

The question being, shall the amendments be adopted?

It was agreed to,

The bill ordered to be engrossed and read a third time on to-morrow.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 199, "an act to authorize and empower clerks of the circuit and common pleas courts of this State, to enter satisfaction of record of all mortgages that may have been foreclosed and judgments rendered thereon, when such judgments shall have been paid and satisfied," have had the same under consideration, and instructed me to report the same back with the following amendment:

Strike out all after the enacting clause, and insert the following bill:

"That when any judgment, which may hereafter be rendered in any circuit or common pleas court of this State, upon the foreclosure of any mortgage, shall have been fully paid, and receipted upon the records of such court, it shall be the duty of the clerk of such court, to certify such payment under the seal of such court, such certificate shall state the court in which, and the time when such judgment was rendered, the parties thereto, and when paid, with a description of the mortgaged premises, and shall, within ten days after such payment shall have been made, deliver such certificate to the recorder, in whose office such mortgage is recorded.

SEC. 2. It shall be the duty of such recorder to enter such certificate on the records of his office, within five days after he receives the same; such certificate, when so recorded, shall be deemed evidence of satisfaction of such mortgage.

SEC. 3. Such clerk and recorder, for such services, shall each be entitled to a fee of twenty-five cents, for each certificate so made

and recorded, which fees shall be by such clerk taxed against the defendant in such judgement, and collected as other costs are collected.

Which report was concurred in.

The question being, shall the amendments be adopted?

Which was agreed to,

The bill ordered to be engrossed and read a third time on to-morrow.

Mr. Murray, from the committee on the judiciary, made the following report.

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 155, "a bill to prevent the keeping of gaming, tippling, lewd, or disorderly houses; to protect the public morals, to define the duties of certain officers in relation thereto, to provide punishment for violations of this act, and to repeal all laws in conflict herewith," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Heffren, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 165, "a bill to amend sections 14 and 15 of an act defining felonies and prescribing punishment therefor," have had the same under consideration, and have instructed me to report the same back to the Senate recommend its passage, with the following amendment:

Strike out all after the enacting clause and insert the following:

That section 15 of an act entitled "an act defining felonies and prescribing punishment therefor," and which reads as follows, to-wit:

"Sec. 15. Any person who, under promise of marriage, shall have illicit carnal intercourse with any female of good repute for chastity, under the age of twenty-one years, shall be deemed guilty of seduction, and, upon conviction, shall be imprisoned in the State Prison for not less than one nor more than three years, and fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months; but in such case the evidence of the female must be corrobarated to the extent required, as to the principal witness, in case of perjury," be so amended as read as follows, to-wit:

Sec. 15. Any person who, under promise of marriage, shall have illicit carnal intercouse with any female of good repute for chastity, under the age of twenty-one years, shall be deemed guilty of seduction, and, upon conviction, shall be imprisoned in the State Prison not less than two nor more than twenty-one years, and fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months; but in such case the evidence of the female must be corroborated to the extent required, as to the principal witness, in case of perjury.

Which report was concurred in.

The question being, shall the amendments be adopted?
It was agreed to.

The bill was ordered to be engrossed and read a third time on tomorrow.

Mr. Blair, chairman of the committee on county and township business, made the following report:

Mr. President:

The committee on county and township business, to which was referred House bill No. 48, "a bill to amend the 6th section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17th, 1852," have had the same under consideration, and have directed me to report it back and recommend its passage.

Which report was concurred in.

Mr. Beeson moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Shoemaker, Slack, Stevens, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—40.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Wilson, from the committee on State Library, made the following report:

MR. PRESIDENT:

The committee on the State Library, to whom was referred Senate bill No. 138, "a bill to fix the amount of the salary of State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant librarian and clerk," have have had the same under consideration, and have directed me to report the following amendment:

Strike out "one thousand," in first section, and insert "eight hundred;" and when so amended they recommend its passage.

Which report was concurred in.

The question being, shall the amendments be adopted?

Which was agreed to, and

The bill ordered to be engrossed and read a third time on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Slack, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 151, "a bill to authorize appeals from the circuit courts within this State to the supreme court in contested election cases," have had the same under consideration, and direct me to report the same back with the following amendment, and when so amended to recommend its passage:

Strike out all after the enacting clause, in the first section, and insert the following:

That appeals shall be allowed from the circuit and common pleas courts in this State to the supreme court in all contested election cases now pending, or which shall hereafter be brought into said courts, and in all such cases which have been heretofore tried in said courts, when the parties praying for such appeals shall have taken the steps necessary to entitle them to the same under the rules now regulating the taking of appeals from said courts in civil cases, and when the term of office, the right to which is contested, will not have expired until one year or more after the taking effect of this act, and said appeal shall in all cases be governed by the rules regulating the taking of appeals from said courts to the supreme court in other civil cases.

Also, amend the second section by inserting after the word "circuit," in the third line, the words, "and common pleas."

Which report was concurred in.

The question being, shall the amendments be adopted?
Which was agreed to; and
The bill ordered to be engrossed and read a third time on to-morrow.

Leave being granted,
Mr. Gooding, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred House bill No. 29, "a bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, and to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violations thereof," have had the same under consideration, and have instructed me to report the same back to the Senate for its action, and say, in the opinion of said committee, the provisions of the said bill are constitutional.
Which report was concurred in.

Mr. Slack moved to amend the bill by striking out of the first section, all that relates to vinous and malt liquors.

Mr. Murray moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Cooper, Cravens, Culver, Green, Hendry, Hill, Kinley, McLean, March, Murray, Odell, Stevens, Thompson, Turner, Wagner and Wilson—20.

Those who voted in the negative were,

Messrs. Brown, Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Johnston, Line, Lomax, McClure, Miller, O'Brien, Slack, Tarkington, Wallace and Williams—19.

So the amendment was laid on the table.

Mr. Hendry moved a call of the Senate.

The Secretary proceeded with the call,
Whereupon the following Senators answered to their names:

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carna-

han, Cobb, Conley, Conner, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Shoemaker, Slack, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—43.

Senators Jennings, Rice, Robinson, Studabaker and Weir, were excused from the call.

On motion by Mr, Turner,
The further call of the Senate was suspended.

Mr. Johnston moved to amend the bill by striking out from the enacting clause, and inserting the following:

"That no person shall, by himself, wife or agent, sell, barter or give away, any spirituous or intoxicating liquors, wine, cider, beer or ale, which has been adulterated by the admixture of any deleterious or poisonous substance therewith, or the admixture of any spirituous or intoxicating liquors with any wine, cider, beer or ale. Every person violating the provisions of this act, shall, upon conviction, for each offense be fined in any sum not less than twenty nor more than one hundred dollars, to which may be added imprisonment in the county jail, at the discretion of the court or jury trying the same, and shall stand committed until such fine is paid or replevied.

SEC. 2. It shall be lawful for any person that may hereafter purchase any spirituous liquors, wine, cider, beer or ale, to have the same examined by some competent person or chemist, and if upon such examination, it shall appear that such spirituous liquor, wine, cider, beer or ale, had been adulterated as mentioned in the first section of this act then such purchaser may recover from any person selling such adulterated liquor, wine, cider, beer or ale, the full amount of money paid for such adulterated liquor, wine, cider, beer or ale, with costs and damages, and exemplary damages as other debts are collectable by law, and on all trials under the provisions of this act, the purchaser of any adulterated liquor, wine, cider, beer or ale, and the person or chemist examining the same shall be competent witnesses.

SEC. 3. It shall not be lawful for any person to sell or give away any spirituous or intoxicating liquors, wine, cider, beer or ale, to any idiot, insane or intoxicated person, every person violating the provisions of this section, shall upon conviction, for each offense, be fined in any sum, not less than ten nor over one hundred dollars, to which may be added imprisonment in the county jail not exceeding ninety days, in the discretion of the court or jury trying the same, and shall stand committed until such fine is paid or replevied, and shall also be liable to any aggrieved or injured party by such sale or gift in the full amount of all moneys received of such idiot, insane or intoxicated person, with costs and damages and exemplary dameges to be collected as other debts are collected by law.

SEC. 4. It shall not be lawful for any person to sell or give away any spirituous or intoxicating liquor, wine, beer or ale, to any minor without the consent of the parent or guardian; every person violating the provisions of this section shall, upon conviction, for each offense be fined in any sum not less than ten nor more than one hundred dollars, to which may be added imprisonment in the county jail not exceeding ninety days, in the discretion of the jury trying the same, and shall stand committed until such fine is paid or replevied, and shall also be liable to the parent or guardian, to be collected as other debts, in the full amount of all moneys received from such minor, with costs and damages and exemplary damages.

SEC. 5. In all actions under the provisions of this act for the recovery of money costs and damages, married women shall have the same rights as if they were unmarried, and upon all executions issued upon judgments rendered under the provisions of this act, property may be sold without appraisement or valuation, under the same rules or regulations that other property is sold, under executions by constables and sheriffs, without appraisement or valuation.

SEC. 6. It shall not be lawful for any person to keep any place for persons to congregate in or about for the purpose of drinking spirituous or intoxicating liquors, or a place or house commonly called a tippling house, to the annoyance of any of the citizens living in the immediate neghborhood. Every person so offending shall, upon conviction, for every day he may keep such place or tippling house, be fined in any sum not less than twenty nor more than one hundred dollars, to which may be added imprisonment in the county jail any term, not exceeding ninety days, in the discretion of the court or jury trying the same, and shall stand committed until the fine is paid or replevied.

SEC. 7. All moneys and damages recovered under the provisions of this act, shall be paid to the person bringing the suit for the benefit of any idiot, insane or intoxicated person or ward.

SEC. 8. Courts of common pleas, justices of the peace, mayors of cities and towns, within their respective criminal jurisdiction, shall have original and concurrent jurisdiction of all misdemeanors described in this act.

SEC. 9. The defendants in all cases of conviction, under the provisions of this act, shall have the right of appeal, according to the laws now in force.

SEC. 10. It shall be the duty of the proper city or town attorney, when informed of a violation of any of the provisions of this act in writing, accompanied with a proper affidavit, within their respective districts, immediately to institute and prosecute legal proceedings against the person against whom complaint is made, and on failure or neglect of any district, city or town attorney to prosecute as herein required, any other attorney at law or citizen, may institute and prosecute said cause to final judgment.

SEC. 11. All laws on the subject of retailing spirituous or intoxicating liquors, conflicting with the provisions of this act, be and the

same is hereby repealed, this act to take effect and be in force from and after its passage and publication.

Pending which, the Senate proceeded to the following

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of Senate bill No. 145, "a bill to provide for the more uniform mode of doing township business," and the pending motion in connection therewith, to reconsider the vote by which the amendment of Mr. Bennett to said bill was not adopted, made the special order for to-day at 10 o'clock, A. M.

Pending the consideration of which,

On motion by Mr. Wagner,

The Senate adjourned.

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2 o'clock, P M.

The Senate met.

Leave being granted,

Mr. Turner offered the following resolution:

Resolved, That no Senator shall be permitted while in the Senate chamber or going or returning from the same, to carry on or about his person any dirk, pistol or other deadly weapon; and any Senator violating this rule shall, on motion, be expelled.

Mr. Slack moved to lay the motion on the table.

The ayes and noes being demanded by Senators Slack and Line,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Conley, Conner, Cooper, Fisk, Hamilton, Hargrove, Hendry, Jennings, Johnston, Jones, Line, Lomax, McClure, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Wagner, Wallace, Williams and Wilson—30.

Those who voted in the negative were,

Messrs. Bennett, Blair, Craven, Culver, Green, Hill, McLean, March and Turner—9.

So the resolution was laid on the table.

Mr. Stevens offered the following preamble and resolution:

WHEREAS, Hon. Horace Heffren, a Senator from the county of Washington, and Hon. David S. Gooding, a Senator from the counties of Hancock and Shelby, did this forenoon, while the Senate was in regular session, greatly to the annoyance of the peace and quiet of the Senate, and to the honor and dignity of the State, engage in a personal contest, contrary to the laws of the State of Indiana; AND WHEREAS, Believing this Senate is bound to maintain its honor and dignity in its organization; therefore,

Resolved, That a committtee of five be appointed to investigate the matter of difficulty between the Honorable Senators, named in the preamble, and report to this Senate what course is necessary to be taken to vindicate the honor and dignity of the Senate.

Mr. Murray offered the following as a substitute for the preamble and resolution offered by Mr. Stevens:

WHEREAS, A rencontre occurred this morning on the floor of this Senate between the Hon. Horace Heffren and David S. Gooding, members of the Senate, and others not members of the Senate, disgraceful to the Senate and to its great disturbance; therefore,

Resolved, That a select committee of five be appointed by the Senate to investigate the facts of the rencontre, and the violation of the privileges of the Senate Chamber by others not members, and report to the Senate what action is necessary and proper to vindicate the honor and dignity of the Senate, and have power to send for persons and papers.

Mr. Slack moved to lay the resolution and substitute on the table.

The ayes and noes being demanded by Senators Stevens and Line,

Those who voted in the affirmative were,

Messrs. Craven, Hamilton, Line, March, Slack, Tarkington and Wallace—7.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan,

Cobb, Conley, Conner, Cooper, Culver, Fisk, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson—36.

So the motion to lay on the table did not prevail.

The question being, shall the substitute be adopted?
It was agreed to.

The Senate appointed Senators Stevens, Wallace, Murray, Tarkington and Rice said committee.

Leave being granted,
On motion by Mr. Hamilton,

Resolved, That the use of the Senate Chamber be given this evening to citizens of the State who desire to revive the Indiana Historical Society, established in the year 1830.

Leave being granted,
On motion by Mr. Hargrove,

Resolved, That the Treasurer of State be directed to report to the Senate, at his earliest convenience, the amount of moneys received into the State Treasury from the general government from the sale of swamp lands erroneously sold by the government, by whom paid in, the time of payment; if disbursed, the object of such disbursement, and if known, the amount of such sales remaining due from the general government.

Leave being granted,
Mr. Carnahan presented a communication of John P. Dunn in reference to funds received from the general government on account of sales of swamp lands;
Which,
On motion,
Was referred to the committee on finance.

Leave being granted,
On motion by Mr. Wallace,

Resolved, That the President of the Senate be requested to submit to the Senate any communication he may have from the General Land Office relative to the receipts and expenditures of funds due the State arising from swamp lands.

On motion by Mr. Slack,

Resolved, That the Auditor of State be requested to communicate

to this Senate the state of the accounts between the State of Indiana and Governor Wright, also, between the State and Elijah Newland, John P. Dunn, late Treasurer and Auditor of State, as to the amount of money which came into their hands belonging to the swamp land fund, and the disposition made thereof, and what amount, if any, is yet due from either of said officers.

The Senate resumed the consideration of the special order pending at adjournment of the morning session, to-wit:

Senate bill No. 145. A bill to provide a more uniform mode of doing township business, and the pending motion in relation thereto.

With leave of the Senate, Mr. Heffren withdrew the motion to reconsider the vote by which the amendment of Mr. Bennett was not adopted.

Whereupon Mr. Slack moved to reconsider said vote.

Mr. Heffren moved to lay the motion to reconsider on the table.

The ayes and noes being demanded by Senators Bennett and Slack,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Brown, Carnahan, Cobb, Conley, Cravens, Green, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Miller, Murray, Odell, Robinson, Shoemaker, Tarkington, Wagner, Wallace, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Bennett, Blair, Bobbs, Conner, Cooper, Craven, Culver, Fisk, Gooding, Hamilton, Hendry, Hill, Jones, Kinley, Line, March, O'Brien, Rice, Slack, Steele, Stevens, Thompson and Turner—23.

So the motion to reconsider the vote was laid on the table.

Mr. Wallace moved to amend by striking out from the bill all that part giving to the trustee the powers and duties of justices of the peace.

Which was agreed to.

Mr. Williams moved to consider the bill as engrossed and to read the same a third time now.

Which was agreed to, and

The bill was read a third time.

Mr. Line moved to recommit with instructions "to give the trustee

power to vacate and lay out roads and highways in the township, according to the provision of law in that case made and provided."

Mr. Wallace moved to lay the motion to recommit with instructions on the table.

The ayes and noes being demanded by Senators Wallace and Line,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Gooding, Green, Hargrove, Heffren, Jennings, Johnston, Jones, Lomax, McClure, McLean, Murray, Odell, Robinson, Shoemaker, Steele, Tarkington, Turner, Wagner, Wallace, Williams and Wilson—31.

Those who voted in the negative were,

Messrs. Bennett, Blair, Craven, Culver, Fisk, Hamilton, Hendry, Hill, Kinley, Line, March, Miller, O'Brien, Rice, Slack and Thompson—16.

So the motion to recommit was laid on the table.

Mr. Green moved to strike out all that part of the bill requiring the trustee to keep an office for transaction of business;
Which was not unanimously agreed to.

Mr. Bennett moved to recommit the bill with instruction to amend "by taking from the trustee the duty of acting as township treasurer, and requiring all moneys belonging to a township to be disbursed by the county treasurer upon orders drawn on him by such trustee."

On motion by Mr. Conley,
The motion to recommit the bill was laid on the table.

Mr. Johnston moved to amend the second clause of section six by inserting after the word "out" the words "according to law."
Which was unanimously agreed to.

Mr. Tarkington moved to amend section 13 of the bill by striking out the word "order," where it occurs therein, and inserting instead thereof the word "warrant."
Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, S. J.—34.

Cobb, Conley, Cravens, Gooding, Green, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, Murray, Odell, Robinson, Shoemaker, Tarkington, Wagner, Wallace, Williams and Wilson—30.

Those who voted in the negative were,

Messrs. Blair, Conner, Cooper, Craven, Culver, Fisk, Hamilton, Hendry, Hill, Kinley, March, O'Brien, Rice, Slack, Steele, Stevens, Studabaker, Thompson and Turner—19.

So the bill passed.

On motion by Mr. Wallace,

The title of the bill was amended by adding thereto as follows:

"Prescribing the duties of certain officers in connection therewith, and repealing all laws in conflict therewith."

Ordered, That the Secretary inform the House thereof.

Leave of absence was granted Mr. Weir on account of sickness.

The Senate resumed the consideration of House bill No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors; to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violation thereof, and the amendment of Mr. Johnston, pending during the morning session, when the Senate proceeded to the consideration of the intervening special order.

Mr. Bennett moved to lay the amendment of Mr. Johnston on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Cobb, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hendry, Jones, Kinley, Line, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wallace, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Brown, Carnahan, Conley, Craven, Hamilton, Hargrove, Heffren, Hill, Johnston, Lomax, McClure, Shoemaker and Slack—13.

So the amendment was laid on the table.

Mr. Bennett moved to amend the bill in section 13, line 7, after words "shall have jurisdiction," strike out the word "all."
In section 7 strike out the words "any female."
In section 4 strike out "twenty" and insert "fifty."

Mr. Murray moved lay the amendments on the table.

The ayes and noes being demanded by Senators Slack and March,

Those who voted in the affirmative were,

Messrs. Beeson, Cobb, Conner, Cravens, Culver, Green, Hargrove, Hendry, Line, McClure, McLean, Murray, Steele, Wallace and Wilson—16.

Those who voted in the negative were,

Messrs. Bennett, Blair, Brown, Carnahan, Conley, Cooper, Craven, Fisk, Hamilton, Heffren, Hill, Johnston, Kinley, Lomax, March, Miller, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Stevens, Tarkington, Thompson, Turner and Williams—25.

So the amendments were not laid on the table.

Pending the consideration of the amendments proposed by Mr. Bennett,
On motion by Mr. Murray,
The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock,
February 16, 1859.

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate the following oommunication and accompanying report:

INDIANAPOLIS, Feb. 15, 1859.

HON. J. R. CRAVENS,
President of the Senate:

SIR:—Please lay before the body over which you have the honor to preside my report for the year ending October 31st, 1858, and oblige

Yours, very respectfully,
JOHN M. LORD,
Agent of State.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled House bill No. 36.

The President signed the bill.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof, enrolled bill of the House No. 48.

The President signed the bill.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 36. An act to fix the time of holding the circuit courts in the ninth judicial district, and repealing all laws inconsistent therewith.

House bill No. 12. An act to prevent the issuing and circulating of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency, and to punish the putting away of broken bank notes, or the notes of banks which have suspended specie payments.

House bill No. 48. An act to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Line presented the memorial of a committee of the State Historical society, on the subject of reviving said society.

On motion by Mr. Line,
The memorial was referred to a select committee of three.

The President appointed Senators Line, Hamilton and Steele, said select committee.

REPORTS FROM STANDING COMMITTEES.

Mr. March, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 5, "a bill to amend the first section of an act entitled 'an act concerning interest on money;' approved May 27, 1852," with accompanying amendments, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage, with the proposed amendments submitted with the bill, to the committee on the 27th day of January.

Mr. Murray moved to indefinitely postpone the bill and pending amendments.

The ayes and noes being demanded by Senators March and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Carnahan, Fisk, Hargrove, Heffren, Hendry, Lomax, McClure, McLean, Murray, Rice, Tarkington, Wallace and Williams—15.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Brown, Cobb, Conley, Conner, Cooper, Craven, Culver, Gooding, Green, Hamilton, Hill, Johnston, Jones, Kinley, Line, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wagner and Wilson—31.

So the bill and pending amendments were not laid on the table.

The Senate passed informally over the consideration of the bill and pending amendments, and proceeded to the consideration of the following

SPECIAL ORDER.

Senate bill No. 2. A bill regulating the choosing of United States Senators by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing, and pending amendments of Mr. March, made the special order for to-day, at 10 o'clock, A. M.

The question being, shall the fourth section of the bill be stricken out?

Mr. Gooding moved the previous question.
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the amendment be adopted?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Green, Hendry, Hill, Kinley, March, Rice, Robinson, Stevens, Thompson, Turner and Wagner—20.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Shoemaker, Slack, Tarkington, Wallace, Williams and Wilson—25.

So the amendment was not adopted.

The bill was ordered to be engrossed and read a third time on to-morrow.

On motion by Mr. Conner,
The order of business was suspended, and
The Senate proceeded to the

ORDERS OF THE DAY.

Senate Bills on their Third Reading.

Senate bill No. 16. A bill to amend the first section of an act to amend the first section of an act entitled "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet shows and legerdemain," approved June 15, 1852, and for the encouragement of agriculture and concerning the licensing of stock and exchange brokers, approved March 7, 1857,

Was read a third time.

Mr. Anthony moved to amend the bill by striking out $50, and insert $500, as the maximum for ferry license.

Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Hill, Jones, Kinley, Line, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Stevens, Turner, Wagner, Wallace, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Heffren, Hendry, Johnston, Slack and Thompson—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 18. A bill authorizing any corporation under the general law of the State of Indiana, to borrow money and secure the repayment thereof by mortgage,

Was read a third time.

On motion by Mr. Hamilton,

The bill was laid on the table.

Senate bill No. 19. A bill to provide for an enumeration to be made of all the white male inhabitants over the age of twenty-one years, in the year 1860, and every six years thereafter,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—45.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 23. A bill to fix the time of holding the terms of the court of common pleas of the counties of Allen and Adams, and to repeal all laws in conflict therewith,
Was read a third time.

Mr. Conner moved to lay the bill on the table,
Which was agreed to.

Senate bill No. 24. A bill to incorporate the "International University,"
Was read a third time.

Mr. Blair moved to lay the bill on the table.
Which was agreed to.

Senate bill No. 26. A bill to amend the 9th section of an act entitled "an act to exempt property from sale in certain cases," approved February 17th, 1852,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Carnahan, Cobb, Conley, Craven, Gooding, Hargrove, Heffren, Johnston, Line, McClure, McLean, Murray, O'Brien, Shoemaker, Slack, Tarkington, Wagner and Wilson—21.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Brown, Conner, Cooper, Cravens, Culver,

Fisk, Green, Hamilton, Hendry, Hill, Jones, Kinley, Lomax, March, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wallace and Williams—25.

So the bill did not pass.

On motion by Mr. Murray,
The Senate adjourned.

—

2 O'CLOCK, P. M.

The Senate met.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 27. A bill to amend section 63 of an act defining misdemeanors and prescribing punishment therefor, approved June 14th, 1852,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Rice, Shoemaker, Stevens, Thompson, Turner, Wagner, Williams and Wilson—35.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 147,

"a bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock and nominal value of shares, and to issue certificates therefor," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and to recommend its passage.

Which report was concurred in.

Mr. Cravens moved to amend the bill by adding:

SEC. —. It shall be the duty of any railroad availing itself of the provisions of this act, capitalizing its stock and reducing said stock from the nominal to the real value thereof, also to reduce in the same proportion the outstanding subscriptions for stock due to said company, and owing from individual stockholders, if any such there be, and to receive from such stockholders the amount of their indebtedness, less the amount of such reduction in full payment of their subscriptions, in as complete and ample a manner as though this act had not passed.

Mr. Conner moved to recommit the bill and pending amendment to the committee on the judiciary.

Which was agreed to.

Mr. Green, chairman of the committee on swamp lands, made the following report:

MR. PRESIDENT:

The committee on swamp lands, to whom was referred House bill No. 70, "a bill to make certain appropriations for the purpose of digging and constructing what is known as the Grand Calumet Canal or ditch, in Lake county, Indiana, and defining the duties of the swamp land commissioner of Lake county in relation thereto," have had the same under consideration, and respectfully recommend its passage.

Mr. Heffren moved to lay the report on the table and to recommit the bill to the committtee on the judiciary.

Which was agreed to.

Senate bill No. 28. A bill to provide for the safe-keeping of the public money, and of bonds, and other securities entrusted to the care of certain officers herein mentioned,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Green, Hamilton, Hargrove,

Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 32. A bill for the better protection of growing cranberries, and prohibiting the sale or purchasing the same within the time specified therein, and prescribing the punishment for the violation thereof,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Green, Hendry, Hill, Jennings, Jones, Kinley, Line, McLean, March, O'Brien, Rice, Slack, Steele, Stevens, Thompson, Turner, Wagner and Wilson—30.

Those who voted in the negative were,

Messrs. Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Johnston, Lomax, McClure, Robinson, Shoemaker, Wallace and Williams—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 33. A bill to tax dogs, and indemnifying the owners of sheep kill or injured by dogs or wolves,

Was read a third time.

Mr. Heffren moved to recommit the bill with instructions to strike out "twenty-five cents" and insert "one dollar," and strike out "fifty cents" and insert "two dollars." Also, strike out all that relates to wolves.

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Brown, Conley, Cooper, Fisk, Hendry,

Hill, Johnston, Kinley, Line, McLean, O'Brien, Rice, Robinson, Tarkington, Wagner, Wallace, Williams and Wilson—20.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Bobbs, Carnahan, Cobb, Conner, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Jennings, Jones, Lomax, McClure, March, Shoemaker, Slack, Steele, Stevens, Thompson and Turner—24.

So the bill did not pass.

Senate bill No. 36. A bill to amend the sixth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property named therein from taxation,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Green, Hamilton, Hendry, Hill, Jennings, Jones, Kinley, McLean, March, Odell, Rice, Robinson, Slack, Steele, Stevens, Thompson, Turner, Wagner and Wallace—31.

Those who voted in the negative were,

Messrs. Conley, Culver, Fisk, Gooding, Hargrove, Heffren, Lomax, McClure, Miller, O'Brien, Shoemaker, Tarkington and Wilson—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Gooding moved to suspend the order of business, and to take up House bill No. 29, on the subject of the traffic in spirituous and intoxicating liquors.

The ayes and noes being demanded by Senators Gooding and Heffren,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Cobb, Conner, Cooper,

Culver, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Jones, Kinley, McLean, Miller, Odell, Rice, Robinson, Slack, Steele, Stevens, Thompson and Wilson—26.

Those who voted in the negative were,

Messrs. Anthony, Bobbs, Brown, Conley, Cravens, Craven, Fisk, Hamilton, Heffren, Johnston, Lomax, McClure, March, Murray, O'Brien, Shoemaker, Tarkington, Turner, Wagner and Wallace—20.

So the order of business was suspended, and

House bill No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violation thereof,

Was taken up.

By leave of the Senate, Mr. Bennett withdrew the first amendment proposed by him on yesterday.

The question being, shall the second pending amendment proposed by Mr. Bennett, be adopted?

Which was agreed to.

Mr. Slack moved to amend the third amendment, proposed by Mr. Bennett, by striking out all that part of the bill requiring the payment of money for a license.

Mr. Tarkington moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Culver, Fisk, Gooding, Green, Hargrove, Hendry, Jennings, Jones, Line, McLean, Miller, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Blair, Craven, Hamilton, Heffren, Hill, Johnston, Kinley, Lomax, McClure, March, Shoemaker and Slack—12.

So the amendment to the amendment was laid on the table.

Mr. Heffren moved to amend the third amendment proposed by Mr. Bennett by making the sum to be paid for license fifty dollars.

Mr. Bennett moved to lay the amendment to the amendment on the table.

Mr. Wilson moved to amend the motion so as to lay the amendment and the amendment to the amendment on the table.

Mr. March called for a division of the question.

The question being, shall the amendment to the amendment be laid on the table.
It was agreed to.

The question recurred, shall the amendment be laid on the table.

The ayes and noes being demanded by Senators Heffren and Bennett,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Fisk, Green, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, McClure. McLean, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Turner, Wallace, Williams and Wilson —29.

Those who voted in the negative were,

Messrs. Bennett, Blair, Cooper, Craven, Culver, Gooding, Heffren, Hendry, Hill, Jones, Kinley, March, Slack, Steele, Stevens, Tarkington, Thompson and Wagner—19.

So the amendment was laid on the table.

Mr, Bobbs moved to amend section 15 by inserting after the word "manufacture," the words "any other person."
Which was agreed to.

Mr. Slack moved to amend by inserting after the word "individual," in the 15th section, the words "culinary, mechanical, sacramental or chemical.'

Mr. Wagner moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Conner, Cooper, Cravens, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Kinley, Line, McLean, Murray, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—29.

Those who voted in the negative were,

Messrs. Blair, Brown, Conley, Craven, Culver, Gooding, Heffren, Johnston, Jones, Lomax, McClure, March, Miller, O'Brien, Odell, Shoemaker and Slack—17.

So the amendment was laid on the table.

Mr. Tarkington moved to amend section 15 by striking out the words "druggist from," wherever it occurs in said section, and inserting the word "the" before the word "selling," in said section.

Mr. Tarkington moved to lay the bill and pending amendment on the table and to print 200 copies for the use of the Senate.

The ayes and noes being demanded by Senators Gooding and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bobbs, Carnahan, Cobb, Conley, Hargrove, Heffren, Hill, Jennings, Kinley, Line, McClure, Miller, O'Brien, Odell, Slack and Tarkington—17.

Those who voted in the negative were,

Messrs. Bennett, Blair, Brown, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hendry, Johnston, Jones, Lomax, McLean, March, Murray, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Wallace, Williams and Wilson—28.

So the motion to lay on the table did not prevail.

Mr. March moved to amend the pending amendment by striking out the word "druggist" wherever it occurs in the bill.

On motion by Mr. Wagner,
The amendments were laid on the table.

Mr. Wagner moved to amend the 15th section of the bill by striking out therefrom the three first lines thereof.

The ayes and noes being demanded by Senators Wagner and Thompson,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Craven, Culver, Gooding, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, McClure, March, Miller, Odell, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—31.

Those who voted in the negative were,

Messrs. Anthony, Blair, Cooper, Fisk, Green, Hamilton, Johnston, Lomax, McLean, Murray, O'Brien, Rice and Slack—13.

So the amendment was adopted.

Mr. Gooding moved to amend the emergency clause by providing that this act shall go into effect from and after the fourth day of July, 1859.

On motion by Mr. McLean,
The amendment was laid on the table.

Mr. March moved to amend the bill by adding the following section immediately before the last section:

SEC. —. Any person licensed under the provisions of this act, who shall, on due prosecution, be convicted of a breach of any of its provisions during the term the license has to run, shall forfeit and be deprived of such license for the remainder of such term, and such forfeiture shall be a part of the judgement of the court trying such prosecution.
Which was agreed to.

Mr. Gooding moved to amend the bill in section three, by striking out the word "two," before the word freehold sureties," and inserting "four," and by striking out "five hundred," where it occurs and inserting "two thousand."
Which was adopted.

Mr. Murray moved to amend the bill by inserting after the word "act," as follows: "and pay all damages and costs that may be recovered under the provisions of this act, giving the right of action to the wife, child or other person injured by the sale of liquor."
Which was adopted.

Mr. Slack moved to amend the bill by striking out all that part

thereof which prohibits the sale of malt liquors, manufactured in this State, in quantities less than one gallon.

The ayes and noes being demanded by Senators Slack and Heffren,

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Conley, Culver, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Slack, Tarkington and Wallace—17.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Craven, Fisk, Gooding, Green, Hendry, Hill, Jones, Kinley, McLean, March, Murray, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson—27.

So the amendment was not adopted.

Mr. Gooding moved to amend section ten of the bill, by inserting immediately after the word "sell," the word "barter," and after the word "fined," the words "for each offense."

Which was adopted.

Mr. Heffren moved to amend the fifteenth section of the bill by striking out the words "manufactured in this State."

On motion by Mr. Bennett,

The amendment was laid on the table.

Mr. Jones moved to amend by striking out the word "county," in the third section, and inserting instead thereof the word "township."

Which was agreed to.

Mr. Bobbs moved to amend section thirteen of the bill by providing that "nothing in this act shall be so construed as to prevent any druggist from selling any vinous, malt or spirituous liquors on the prescription of a physician."

On motion by Mr. Wagner,

The amendment was laid on the table.

Mr. Gooding moved to amend section eight of the bill by striking out the words "last named," and adding at the end of said section the words "for each offense."

Which was agreed to.

Mr. Anthony moved to amend the thirteenth section of the bill by striking out the word "all," in the fourth line.

Which was agreed to.

Mr. Gooding moved to amend section seven of the bill by inserting in the second line, immediately after the word "sell," the words "or barter."

Which was agreed to.

Mr. March moved to amend the bill by adding the following section: "With the exception of cider manufactured from apples, wine manufactured from native fruit, and beer manufactured in this State, no spirituous, vinous, malt or other intoxicating liquors, sold by any person licensed under the provisions of this act, shall be suffered to be drank in or about the house or place where sold, in or about any house, out-house, yard or garden connected therewith.

Mr. Wallace moved to amend the amendment by striking out vinous or malt liquors, where it occurs in the amendment, and include them in the exceptions.

Mr. McLean moved to lay the amendment and the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Heffren and Wallace,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Brown, Cobb, Conner, Culver, Fisk, Gooding, Green, Hamilton, Hendry, Jones, Line, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Tarkington, Wagner, Williams and Wilson—27.

Those who voted in the negative were,

Messrs. Bennett, Blair, Carnahan, Conley, Cooper, Craven, Hargrove, Heffren, Hill, Johnston, Kinley, March, Slack, Steele, Stevens, Thompson, Turner and Wallace—18.

So the amendment and the amendment to the amendment were laid on the table.

Mr. Craven moved to amend the bill by adding after the word "manner," in the fourth line of the twelfth section the following: "And every house or place, wherein any drugged, poisoned or impure liquor, or liquors mixed with any poisonous or deleterious substance, are kept to be sold or given away."

Mr. Wallace moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Heffren and Craven,

Those who voted in the affirmative were,

Messrs. Beeson, Brown, Fisk, Gooding, Green, Hamilton, Hendry, Johnston, Jones, Line, Lomax, McLean, Murray, O'Brien, Odell, Robinson, Wallace, Williams and Wilson—18.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Hargrove, Heffren, Hill, Jennings, Kinley, McClure, March, Miller, Rice, Shoemaker, Slack, Steele, Stevens, Thompson and Turner—26.

So the amendment was not laid on the table.

The question recurred, shall the amendment be adopted?

The ayes and noes were demanded by Senators Heffren and Wallace,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Hamilton, Hargrove, Heffren, Hendry, Hill, Kinley, McClure, March, Murray, Rice, Shoemaker, Slack, Stevens, Tarkington, Thompson and Turner—27.

Those who voted in the negative were,

Messrs. Brown, Culver, Fisk, Gooding, Green, Johnston, Jones, Lomax, McLean, O'Brien, Odell, Robinson, Steele, Wagner, Wallace, Williams and Wilson—17.

So the amendment was adopted.

Mr. Heffren moved to amend section 7 of the bill by striking out all that relates to prohibiting sales on election days.

On motion by Mr. Bennett,
The amendment was laid on the table.

Mr. McLean moved to recommit the bill to the committee on temperance with instructions to strike out all of the amendment of the Senate to the same.

Mr. Heffren moved to lay the motion to recommit on the table.

The ayes and noes being demanded by Senators Heffren and Craven,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conley, Cooper, Craven, Fisk, Gooding, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, McClure, March, O'Brien, Robinson, Shoemaker, Tarkington, Thompson, Wallace and Wilson—26.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Brown, Conner, Cravens, Culver, Green, Hamilton, Line, Lomax, McLean, Murray, Odell, Rice, Steele, Stevens, Turner and Williams—18.

So the motion to recommit was laid on the table.

The question was then put, shall the amendments be ordered to be engrossed and the bill be read a third time on to-morrow?

The ayes and noes being demanded by Senators Heffren and Craven,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Culver, Gooding, Green, Hamilton, Hargrove, Hendry, Jones, Line, McLean, March, Miller, Murray, Odell, Rice, Robinson, Slack, Stevens, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—33.

Those who voted in the negative were,

Messrs. Conner, Craven, Fisk, Heffren, Hill, Jennings, Johnston, Kinley, Lomax, McClure, O'Brien, Shoemaker, Slack and Wallace—14.

So the amendments were ordered to be engrossed and the bill to be read a third time on to-morrow.

On motion by Mr. Murray,
The Senate adjourned.

THURSDAY MORNING, 9 o'clock,
February 17, 1859.

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Jennings presented the petition of sundry citizens of the county of Johnson on the subject of roads and highways;
Which,
On motion,
Was referred to the committee on roads.

Mr. Hamilton presented the petition of sundry citizens of the county of Allen, on the subject of the Wabash and Erie canal;
Which,
On motion,
Was laid on the table.

Mr. Craven presented the petition of sundry citizens of the county of Madison praying the abolition of the court of common pleas;
Which,
On motion,
Was referred to the committee on the judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Heffren, from the committee on the finance, made the following report:

Mr. President:

The committee on finance, to whom was referred Senate bill No. 90, "a bill to provide for the collection, safe-keeping, and disbursement of the public money, and fixing the salary of Treasurer of State," have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, to recommend its passage:

Amend by striking out sections 7, 8 and 9 of said bill.

Mr. Blair moved to amend the amendment proposed by the committee, by inserting after the word "coin," in the third line of the first section, the words "or notes of solvent specie paying banks, or-

ganized under the laws of this State," and also insert the same words after the word "coin" in the last line of the same section.

The ayes and noes being demanded by Senators Heffren and Anthony,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Hendry, Hill, Johnston, Lomax, McLean, Murray, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson and Wagner—27.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Jones, Kinley, Line, McClure, March, Miller, O'Brien, Shoemaker, Slack, Williams and Wilson—19.

So the amendment to the amendment was adopted.

Mr. Anthony moved to lay the bill and pending amendments on the table.

The ayes and noes being demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Carnahan, Hendry, Lomax, McLean, Murray, Thompson, Turner, and Wagner—9.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, McClure, March, Miller, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Williams and Wilson—39.

So the bill and pending amendments were not laid on the table.

The question recurred, shall the amendments proposed by the committee be adopted as amended?

The ayes and noes were demanded by Senators Line and Anthony,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carna-

han, Conley, Craven, Fisk, Hamilton, Heffren, Hill, Jennings, Jones, Line, Lomax, McClure, Miller, Murray, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Tarkington and Turner—27.

Those who voted in the negative were,

Messrs. Cobb, Conner, Cooper, Culver, Gooding, Green, Hargrove, Hendry, Johnston, Kinley, McLean, March, O'Brien, Robinson, Thompson and Wagner—18.

So the amendments proposed by the committee, as amended, were adopted.

Mr. Heffren moved to amend section first of the bill by adding in the proper place the words "and the solvent specie-paying banks of all States."

Mr. Williams moved to lay the amendment on the table.
Which was agreed to.

Mr. Slack moved to amend by adding the following sections:

SEC. —. That on and after the first day of June, 1859, all payments from the State Treasury shall be made in specie or the specie paying banks of the State of Indiana. That after the first day of June, 1861, all payments from the State Treasury shall be made in specie.

SEC. —. That on and after the first day of June, 1859, all payments from the county treasury shall be made in specie or in the specie paying banks of the State of Indiana. That after the first day of June, 1861, all payments from the county treasury shall be made in specie.

Mr. Bobbs moved to postpone the further consideration of the bill and pending amendment until Monday next at 2 o'clock, P. M., and make them the special order for that hour.
Which was agreed to.

Leave being granted,
On motion by Mr. Murray,

Resolved, That for the remainder of this session, the Senate will hold evening sessions on each Monday, Wednesday and Friday evenings, commencing at 7 o'clock.

Mr. Carnahan, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No.

159, "a bill for the relief of county treasurers," have had the same under consideration and have directed me to report it back and recommend its indefinite postponement.

On motion by Mr. Wagner,
The report and bill were laid on the table.

Mr. Conley, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred House bill No. 169, "a bill for the relief of the heirs at law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State of Indiana," have had the same under consideration and directed me to report it back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Leave being granted,
On motion by Mr. Kinley,

Resolved, That the doorkeeper be required to place on the desks of Senators copies of the suggestions of Professor Caleb Mills, on the subject of the school law ordered to be printed by the Senate; also, to furnish the members of the House with three hundred copies for distribution, also to furnish Prof. Mills with one hundred copies for his own use.

Mr. Jones, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 167, "a bill to set apart one million of dollars of the assets belonging to the sinking fund, to meet the interest and principal of the bank bonds, and to provide for a distribution for the use of common schools, of a portion of the net earnings of said fund," have had the same under consideration, and have directed me to report it back to the Senate with the following amendments, and when so amended to recommend its passage:

Amend the first section, last line, by inserting after the word "said," the word "sinking," and by adding the word "commissioners," after the word "fund," so as to read "sinking fund commissioners."

Amend section three, line eight, by striking out the word "semi,"

also thirteenth line of same section, by striking out the word "six" and inserting the word "twelve;" also, further amend the same section, line twenty-seven, by striking out the word "semi."

The committee would further recommend the adoption of the following additional section:

SEC. —. That it shall be the duty of the sinking fund commissioners to advertise in two daily papers in the city of New York, and two in the city of Indianapolis, that all holders of the bank bonds of the State of Indiana, must present the same for payment at the office of said sinking fund commissioners, in the city of Indianapolis, on or before the first day of July, A. D. 1860, and that, if said bonds are not presented for payment on or before the said first day of July, A. D. 1860, the interest upon said bonds shall, from and after that time, cease, and no interest will any longer be paid upon said bonds.

Mr. Carnahan moved to lay the bill and amendments, proposed by the committee, on the table.

The ayes and noes being demanded by Senators Heffren and Wallace.

Those who voted in the affirmative were,

Messrs. Beeson, Bobbs, Carnahan, Conley, Conner, Cravens, Craven, Culver, Green, Hargrove, Hendry, Hill, Johnston, Slack, Steele, Tarkington and Williams—17.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Cooper, Fisk, Gooding, Heffren, Jennings, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Thompson, Turner, Wagner, Wallace and Wilson—27.

So the bill and pending amendments were not laid on the table.

Pending the consideration of the amendments proposed by the committee,

On motion by Mr. Bennett,

The Senate adjourned.

2 o'clock, p m.

The Senate met.

The Senate resumed the consideration of Senate bill No. 167, and amendments pending at adjournment.

Mr. Wagner moved to recommit the bill and pending amendment to the committee on the judiciary,
Which was agreed to.

Mr. Beeson, from the committee on finance, made the following report:

Mr. President:

The committee on finance, to whom was referred Senate bill No. 113, "an act to provide for stationery and postage for members of the General Assembly of the State of Indiana, to provide for employing reporters, and the publication of the proceedings of the Legislature in certain newspapers, and to provide for the taking of the same," have had the same under consideration, and have directed me to report it back, and recommend its indefinite postponement.

The question being, shall the bill be indefinitely postponed?

The ayes and noes being demanded by Senators Line and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Craven, Fisk, Hargrove, Heffren, Hendry, Jennings, Jones, Line, Lomax, McClure, McLean, Murray, O'Brien, Rice, Steele, Tarkington, Thompson, Wagner and Wilson—26.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Culver, Green, Hamilton, Johnston, March, Miller, Robinson, Shoemaker, Turner and Williams—12.

So the bill was indefinitely postponed.

Mr. Rice, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 160, "a bill to amend the fourth section of an act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana, approved February 21st, 1855, have the same under consideration, and have directed me to report it back with the recommendation that it lie on the table.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 28, "a bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the Revised Statutes of 1852, and for the publication and recording of depositions heretofore taken, or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence," have had the same under consideration, and have instructed me to report the same back to the Senate recommend its passage, with the following amendment:

Add to the first section the following: "Saving in all cases to any party the right of objecting to such deposition, or any part thereof, when offered in evidence, for illegality in taking the same, incompetency or incapacity of the witness, or for any other cause which would have been a good ground of objection under the law existing at the time the deposition may have been taken."

Which report was concurred in.

The question being, shall the amendment be adopted?

It was agreed to.

The amendments were ordered to be engrossed and the bill passed to a third reading on to-morrow.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 16, "an act to amend an act entitled 'an act to amend the 32d section of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852,' approved March 7, 1857," have

had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to morrow.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 20, "an act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor," have had the same under consideration, and have instructed me to report the same back to the Senate for its action thereon.

Mr. Heffren moved to indefinitely postpone the bill.

The ayes and noes being demanded by Senators Hendry and March,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Brown, Carnahan, Cobb, Cooper, Fisk, Heffren, Line, McLean, Miller, Murray, O'Brien, and Wagner—14.

Those who voted in the negative were,

Messrs. Beeson, Blair, Bobbs, Conley, Conner, Craven, Culver, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Lomax, McClure, March, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Williams and Wilson—28.

So the bill was not indefinitely postponed.

The bill was passed to a third reading on to-morrow.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 101, "an act to regulate the practice in civil causes in the courts of this State in taking exception to the overruling of demurrers," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Mr. Cobb, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 133, "an act supplemental to act entitled 'an act to amend the 65th and 66th sections of an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,' approved June 27, 1852, and supplemental thereto, approved February 20, 1855," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it lie on the table.

Which report was concurred in.

Mr. Rice, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 108, "an act to amend sections 4, 5, 18, 20, 21 and 22 of an act regulating general elections and prescribing the duties of officers in relation thereto, approved June 7th, 1852, and repealing sections 29 and 30 of said act, and adding provisions supplemental thereto," have had the same under consideration, and have directed me to report it back and recommend its passage.

Mr. Johnston moved to amend the bill by striking out all that part of the bill that requires a residence of twenty days in the township or precinct.

Mr. Rice moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Johnston and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Culver, Gooding, Green, Hendry, Hill, Kinley, Line, March, Murray, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Wallace—27.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Craven, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Lomax, McClure, McLean,

Miller, O'Brien, Shoemaker, Slack, Tarkington, Williams and Wilson—21.

So the amendment was laid on the table.

Mr. Line moved to amend the bill by striking out the words "twenty days" and inserting "ten days."
Which was not agreed to.

Mr. Kinley moved to lay the bill on the table and print 300 copies for the use of the Senate.
Which was not agreed to.

Mr. Line moved to amend the bill by striking out all that requires the judges of election to count out all the votes before they adjourn.
Which was not agreed to.

The question being, shall the bill be engrossed and read a third time on to-morrow.

The ayes and noes being demanded by Senators Heffren and Line,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner and Wagner—25.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Tarkington, Wallace, Williams and Wilson—22.

So the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Slack, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred House bill No. 82, "an act to regulate the practice in certain cases appealed to the supreme court," have had the same under consideration, and instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

Add to the 4th section the following:

Provided, however, That nothing in this section shall be so construed as to prevent any such applicant from filing the transcript and perfecting an appeal afterwards, according to the laws now in force.

Which report was concurred in.

The question being, shall the amendments be adopted?

It was agreed to, and

The bill passed to a third reading on to-morrow.

Mr. Rice, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 57, "an act to amend the 74th section of an act entitled 'an act defining misdemeanors, and prescribing punishment therefor,' approved June 17th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Mr. Murray, from the committee on the judiciary, made the following report.

MR. PRESIDENT:

The committee on the judiciary, to whom was referred "the memorial of the Cass County and Eel River Seminary Society," have had the same under consideration, and have instructed me to report the following bill embracing the subject matter of the memorial, and recommend its passage.

Which report was concurred in.

Mr. Slack moved to suspend the rules and read the bill, accompanying the foregoing report, a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March,

Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Stevens, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—44.

No Senator voting in the negative.

So the rules were suspended, and

Senate bill No. 219. A bill to amend an act approved January 27, 1847, entitled "an act to amend an act entitled 'an act to incorporate the Eel River Seminary Society,' approved Jan. 1, 1829, and for other purposes;" to amend the 2d section of an act to repeal the 3d, 5th, and 8th sections; to clothe said society with additional powers; to provide for the increase of stockholders, the election of five trustees as sole managers of the affairs of said society, and their term of office, and the effect of a failure to elect, and to confirm the act of the board of commissioners of Cass county in releasing to the stockholders of said society all the interest of the county in the society's property and revenues, and releasing all claim of the State thereto, and releasing the corporation from the operation of the act requiring the sale of county seminaries, and legalizing the proceedings of said corporation,

Was read a first time by its title.

Mr. Tarkington moved to read the bill a second time now.

Which was agreed to, and

The bill was read a second time.

The bill ordered to be engrossed and read a third time on to-morrow.

Leave being granted,

Mr. Slack introduced

Senate bill No. 220. A bill to authorize circuit courts and courts of common pleas to empannel traverse juries from the by-standers in all cases where the officers required by law to empannel juries have failed or refused to discharge that duty,

Which was read a first time.

Mr. Slack moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jen-

nings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Stevens, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—44.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Slack moved to consider the bill as engrossed and to read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wallace, Williams and Wilson—42.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Wagner, chairman of the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred Senate bill No. 85, "a bill to provide for a general system of common schools, the officers thereof and their respective powers, duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," have had the same under consideration and direct me to report it back to the Senate and recommend its passage with the following amendments:

Amend section three by striking out the words "the trustee of such township together with."

Amend section four by striking out of line three the words "together with the trustee thereof."

Amend section five so as to read as follows: "the school board

shall meet on the first Mondays of June and December of each year for the transaction of such business as may be necessary for such township, and at any other time when the business may require it."

Amend section seven in the fifth line by striking out the words "which shall be considered," and insert the words "and received."

Amend section eight in line first by striking out the word "house," and insert the word "district," and strike out all of the third line after the word "and," also strike out all of line fourth.

Amend section ten so as to read as follows: "township school board shall elect one of their number treasurer, who shall give an official bond for the use of the township, to be approved by the county auditor in such sum, and with such security as he may require."

Amend section eleven by striking out the words "township trustee," and insert the words "persons so elected," and insert before the word "annual," the word "semi."

Amend section twelve so as to read as follows: "the school board shall elect one of their number clerk, who shall keep a record of their proceedings and make all necessary reports therefor."

Amend sections thirteen, fourteen, fifteen, twenty, twenty-one and twenty-two, by striking out the word "trustee," where it occurs, and insert the words "school board."

Amend section twenty-three in line four by striking out the words "or by the officers appointed by the," and insert the words "of the."

Amend section twenty-four by striking out all of line eight and insert the word "clerk."

Amend section twenty-six by striking out "trustee" and insert the words "school board," and strike out the word "his," and insert the word "their."

Amend sections twenty-seven, twenty-eight, thirty, thirty-one, and thirty-two, by striking out the word "trustee," whenever it occurs and insert the words "school board."

The committee also amend by adding the following sections:

SEC. 36. Such board, if satisfied that a majority and more than fifteen voters have voted for such sale, shall enter their opinion upon record book, and proceed—

First. To divide the lands so voted to be sold into such lots as will insure the best price.

Second. To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

Third. To certify such division and appraisement to the proper county auditor, together with a copy of all their proceedings had in relation to the sale of said lands.

SEC. 38. Such certificate and return shall by such auditor be laid before the board of county commissioners at their first meeting thereafter, and said board, if satisfied that the requirements of the law have been substantially complied with, shall direct such land to be sold, which sale shall be conducted as follows:

First. It shall be made by the auditor and treasurer.

Second. Four weeks' notice of the same shall be given by posting up notices thereof in three public places in the township where the land is situated, and at the court house door, and by publication in a newspaper published in said county, if any—otherwise in the newspaper in the State nearest thereto.

SEC. 39. One-fourth of the purchase money shall be paid in hand, and interest for the residue for one year in advance, and the residue in ten years from such sale, with like interest annually in advance.

SEC. 40. On failure to pay such annual interest when the same becomes due, the contract shall become forfeited, and the land shall immediately revert to the township, and the auditor and treasurer shall forthwith proceed again to sell the same on the terms above specified.

SEC. 41. If on such second sale such land shall produce more than sufficient to pay the sum owing therefor, with interest and costs, and five per cent. damages, the residue shall, when collected, be paid over to the first purchaser or his legal representative.

SEC. 42. At any time before sale, payment of the sum due, with interest for the delay, and all costs, together with two per cent. damages on the sum due for said land, shall prevent such sale and revive the original contract.

SEC. 43. In case of such forfeiture, the original purchaser may be sued for waste or unnecessary injury done to such land.

SEC. 44. Such suit shall be prosecuted by the auditor in the name of the State, for the use of the proper congressional township.

SEC. 45. When any land offered for sale at public auction shall remain unsold, the county auditor may dispose of the same at private sale for the best price that can be had therefor, not being less than the minimum price affixed thereto.

SEC. 46. A certified statement of such sale shall be made and signed by the auditor, and being first recorded by such auditor in the records of the board of county commissioners, shall be delivered to the purchaser when he makes his first payment, and shall entitle him to a deed when the terms of such purchase shall have been fully complied with.

SEC. 47. Every purchaser until forfeiture, shall be entitled to all the rights of possession before existing in such township school board, or township, and to all rights and remedies for rents becoming due, or breaches of covenant accruing after his purchase, under any lease existing at the time of his purchase, and for all waste committed thereafter.

SEC. 48. A purchaser at such sale failing to make the first payment as above required, shall pay ten per centum on the sum bid, to be recovered by action before any court having jurisdiction, to be prosecuted for by the county auditor in the name of the State, for the use of the proper township, and the auditor and treasurer shall be competent witnesses.

SEC. 49. Assignments of certificates of purchase shall be valid only, if acknowledged by the auditor, who shall record the same.

SEC. 50. When a residue of purchase money becomes due, the purchaser may retain the same as a loan, for a term not exceeding three years, on payment, annually in advance, of the interest thereon, at the rate then established by law for loans of such funds, but he shall receive no deed until full payment is made.

SEC. 51. Purchasers may at any time before due, pay a part or the whole of such purchase money.

SEC. 52. When any such certificate shall be lost or destroyed before a deed be made, on proof thereof by affidavit of the person interested, or other competent testimony to be filed with the county auditor, and after three months' notice of intention to apply for a new certificate given in some newspaper, published nearest to where the land lies, such auditor may issue the same to the person entitled thereto.

SEC. 53. Purchase money and interest, and all costs and damages above provided for, shall be paid to the treasurer of the proper county, and his receipt therefor filed by the person paying with the county auditor, who shall issue his quietus therefor.

SEC. 54. When such payment is in completion of any contract of sale, the amount of such receipt shall be endorsed by the county auditor on the certificate of purchase.

SEC. 55. On full payment for such land, a deed shall be executed by the county auditor, and entered on the record book of the board of the county commissioners.

SEC. 56. Such deed shall be executed and acknowledged at the cost of the grantee, by the county auditor, as in other cases, and thus executed and delivered, shall vest the grantee, his heirs and assigns forever, a complete title to the land.

SEC. 57. The voters of any congressional township may, in the absence of a vote to sell land and in lieu thereof, petition the proper township board for such sale, and such petition, if signed by a majority of all the voters of the township, shall be filed with the county auditor, and the same proceeding shall be had as are provided in the preceding section upon a vote of the inhabitants of the township for such sale. Such petition and certificate shall also be recorded in the record book of the township school board and of the county auditor.

OF THE INVESTMENT OF FUNDS HELD FOR THE BENEFIT OF COMMON SCHOOLS AND CONGRESSIONAL TOWNSHIPS.

SEC. 58. The principal of all moneys, whether belonging to the common school fund or to the congressional townships, and received into the county treasury, shall be loaned, and the interest paid out, as prescribed in this act; and any judgment upon any such note or mortgage shall bear seven per cent. interest from the date thereof till the same is paid.

SEC. 59. Such loans shall be made by the county auditor, who

shall inform himself of the value of all real estate offered in the mortgage, and be satisfied of the validity of the title thereof, and all persons applying for a loan shall produce to said auditor title papers, showing a clear title in fee simple, without incumbrance, and not derived through any executor's or administrator's sale, or sale on execution, or sale for taxes.

SEC. 60. The township board shall appoint three disinterested freeholders of the neighborhood who shall appraise any land offered in mortgage.

SEC. 61. Such appraisers, being first officially sworn, shall examine and appraise such land, and sign and give to the applicant a certificate, setting forth the fair cash value of the land at the time, without taking into consideration perishable improvements.

SEC. 62. In making such loans, preference shall be given to the inhabitants of the county if the security be adequate, and no land shall be received as security unless situated in the county where the loan is made.

SEC. 63. The amount loaned to any person or company shall not exceed three hundred dollars.

SEC. 64. The applicant for a loan shall file with the auditor the certificate of the clerk and recorder, showing that there is no incumbrance on said land in either of their offices.

SEC. 65. Such applicant shall also make oath that there is no incumbrance or better claim that he knows of, and that the abstract of title presented by him, is, as he believes, a true one.

SEC. 66. No such loan shall be made for a longer term than five years.

SEC. 67. The sum loaned shall not exceed one-half of the appraised value of the premises proposed to be mortgaged, clear of all perishable improvements.

SEC. 68. The auditor shall have power to administer all oaths, and to take all acknowledgments required by this act.

SEC. 69. Mortgages taken for such loans shall be considered as of record from the date thereof, and shall have priority of all mortgages or conveyances not previously recorded, and of all other liens not previously incurred in the county where the land lies.

SEC. 70. The auditor shall cause such mortgages to be recorded immediately, retaining the cost of recording out of the money borrowed.

SEC. 71. The rate of interest shall be seven per centum per annum, payable annually in advance.

SEC. 72. On failure to pay any installment of interest when the same becomes due, the principal sum shall forthwith become due and payable, and the note and mortgage may be proceeded on and collected.

SEC. 73. The mortgage may be in substance as follows, and the auditor shall specify therein whether the same belongs to the common school fund or to the congressional township fund; and if to the latter, the particular township whose funds are thus loaned.

FORM OF THE MORTGAGE.

SEC. 74. I, A. B., of the county of ———, in the State of Indiana, for the use of, (here describe the fund out of which the loan was made,) mortgage all (here describe the land,) for the payment of —— dollars, with interest at the rate of seven per cent. per annum, payable annually in advance, according to the conditions of the note hereto annexed.

SEC. 75. The note accompanying the same may be in substance as follows, to-wit: I, A. B., promise to pay to the State of Indiana, for the use (here recite the particular fund,) on or before the ——, the sum of —— dollars, with interest thereon, at the rate of seven per cent. per annum in advance, commencing on the —— day of ——, 18—, and do agree that in case of failure to pay an installment of said interest when the same shall become due, the principal sum shall become due and payable, together with all arrears of interest; and on failure to pay such principal or interest when due, two per cent. damages shall be collected, with costs, and the premises mortgaged may be forthwith sold by the county auditor for the payment of such principal sum, interest, damages and costs.

SEC. 76. On making loan of any fund the auditor shall draw his warrant in favor of the borrower upon the county treasurer, who shall charge it to the proper fund.

SEC. 77. All loans refunded, and all interest, shall be paid to the county treasurer, and his receipt shall be filed with the county auditor, who shall give the payer a quietus therefor, and make the proper entries.

SEC. 78. Whenever the amount due on any mortgage shall be paid, and the treasurer's receipt therefor filed, the auditor shall endorse on the note and mortgage that the same have been fully satisfied, and surrender the same to the person entitled thereto; and on the production of the same, thus endorsed, the recorder shall enter satisfaction upon the record.

SEC. 79. When the interest or principal of any such loan shall become due and remain unpaid, the auditor shall proceed to collect the same by suit on the note, or by sale of the mortgaged premises, or both, at his option; he may also, by suit, recover possession of the mortgaged premises before sale thereof.

SEC. 80. In case of suit on the note and judgment thereon, no appraisement of property shall be allowed.

SEC. 81. Before sale of mortgaged premises, the auditor shall advertise the same in some newspaper published in the county where the land lies, if any there be, otherwise in a paper in the State nearest thereto, for three weeks successively, and also by notice set up at the court house door, and in three public places in the township in which the land lies.

SEC. 82. At such sale, which shall be held at the court house door, the auditor shall sell so much of the mortgaged premises, to

the highest bidder, for cash, as will pay the amount due for principal, interest, damages and costs.

SEC. 83. In case of no bid for the amount due, the auditor shall bid in the same, on account of the fund, and as soon thereafter as may be, shall sell the same, having first caused it to be appraised according to the provision of the sixtieth section of this act, on a credit of five years, interest at seven per cent. per annum, being payable in advance, but no such sale shall be for a less sum than the appraised value thereof.

SEC. 84. Lands heretofore bought in, on account of the fund, which have been appraised, shall be sold in like manner.

SEC. 85. Upon full payment being made for such lands, the deeds therefor shall be executed by the county auditor, and shall be entered in the records of the board of county commissioners.

SEC. 86. At the public sale at the court house door, provided for in this act, the county treasurer shall also attend and make a statement of such sales, which shall be signed by the auditor and treasurer, and after being recorded in the auditor's office, shall be filed in the treasurer's office, and such record, or a copy thereof, authenticated by the auditor's or treasurer's certificate, shall be received as evidence of the matters therein contained.

SEC. 87. When any land is bid off by the auditor at such sale, no deed need be made therefor to the State, but the statement of such sale and the record thereof shall vest the title in the State for the use of the proper fund.

SEC. 88. Annual reports of the operations of their respective officers in regard to loans and payments for school purposes, and to all moneys received on account of the common school fund, and of the congressional township fund, shall be made by the county treasurer and auditor to the board of county commissioners at the first session after the annual distribution of the school fund.

SEC. 89. Forms and modes of book-keeping shall, from time to time, be prescribed for the county auditors and treasurers by the Auditor of State.

SEC. 90. The board of county commissioners shall annually, at the first session after the distribution of the common school fund, in presence of the county auditor and treasurer, examine the accounts and proceedings of such office in relation to said fund; they shall also inquire into the safety of the several loans made of said funds, and examine and compare the cash, notes and mortgages, with the records, books and reports.

SEC. 91. Said board shall make a report of the result of such examination, showing:

First. The annual amount refunded and the amount reloaned, and the safety thereof.

Second. The amount of interest received and the amount paid over.

SEC. 92. Such report shall be entered on the records of said

board, and copies thereof, signed by the members of the board, the auditor and treasurer, shall be transmitted to the Auditor of State.

SEC. 93. County auditors shall receive for their services in managing the school fund, the two per cent. damages accruing on all sales for the non-payment of loans, and the three per cent. on all disbursements of interest; and the county treasurer shall receive two per cent. on all disbursements of interest, and two per cent. on the amount of school tax dibsursed.

SEC. 94. The following fees only shall be charged in case of mortgage on loans:

To each appraiser	50 cts.
For recording mortgage	50 cts.
For drawing mortgage	50 cts.
For taking borrower's affidavit	10 cts.
For clerk and recorder's certificate and examining title, each	25 cts.

Which shall be paid by the borrower.

OF THE DISTRIBUTION OF THE SCHOOL FUND.

SEC. 95. The county auditor of each of the several counties of this State shall, annually, on the fourth Monday of March, make out and forward to the Superintendent of Public Instruction a statement showing the amount of interest on hand for distribution in his own county, arising from loans of the congressional township fund, and also the amount on hand for distribution in parts of townships in the adjacent counties, specifying the amount on hand for each of the several counties.

SEC. 96. In making such statement he shall specify the amount of interest belonging to each township and parts of townships, and the county in which the same is situated, and when a congressional township lies partly in one county and partly in another, the auditor of the county in which the fund of such township is managed shall, in addition to notifying the superintendent of the amount due to each portion, notify also the auditor of the county in which any portion is situated of the amount due to such portion.

SEC. 97. The State Superintendent shall annually, by the fourth Monday in April in each year, make out a statement showing the number of scholars in each county in the State, the amount of the income of the common school fund in each county for distribution, and the amount of taxes collected for school purposes, and shall apportion the same to the several counties of the State, according to the enumeration of the scholars therein, without taking into consideration the congressional township fund in such distribution.

SEC. 98. The Auditor of State shall arrange the tranfers between the counties, and in case it shall be found inconvenient to draw upon those counties having an excess in favor of those counties having a deficiency, the county treasurer (on being thereto required by the Treasurer of State,) shall pay such excess in the State Treasury.

SEC. 99. To enable the State Superintendent to make such apportionment, county treasurers, at the time of making their annual settlement, shall furnish to the Superintendent a statement of the income of the common school fund in their hands.

SEC. 100. The Auditor of State shall, immediately after making such apportionment, inform the county auditors of the amount to which their county is entitled of the common school fund.

SEC. 101. The treasurer of the several counties shall semi-annually, on the third Mondays of May and November, make distribution of the income of the common school fund to which his county is entitled, (upon the warrant of the county auditor,) to the several townships and incorporated cities and towns of the county, which payment shall be made to the treasurer of each township, and in making the said distribution, the auditor shall ascertain the amount of the congressional township fund belonging to each city, town and township, and shall so apportion the income of the common school fund as to equalize the amount of available funds in each city, town and township, as near as may be, according to the number of scholars therein; *Provided, however*, That in no case shall the income of the congressional township fund belonging to any congressional township, or part of such township, be diminished by such distribution and diverted to any other township.

MISCELLANEOUS PROVISIONS.

SEC. 102. The school board may deposit the library at some central point, or at one or more eligible places in the township, for the convenience of scholars and families, and they may appoint for that purpose one or more librarians, to have the care and superindence thereof.

SEC. 103. Every family in the township shall be entitled to the use of two volumes at a time from said library, although no member of such family shall attend school.

SEC. 104. The library shall be open to all persons entitled to its privileges, thoughout the year, without regard to school sessions.

SEC. 105. The books, papers, and accounts of any township school board, clerk, or treasurer, shall at all times be subject to the inspection of the county auditor, and of the board of commissioners of the proper county.

SEC. 106. For the purpose of said inspection, said board of county commissioners and auditor may, by subpœna, summon before them any such officer, clerk or treasurer, and require the production of such books, three days' notice of the time to appear and produce such books being given.

SEC. 107. If such books have been imperfectly kept, said board of commissioners may correct them; and if fraud appear, shall remove the person guilty thereof.

SEC. 108. Process in suits against a school township shall be by

summons executed by leaving a copy thereof with the clerk of such township school board ten days before the return day thereof.

SEC. 109. Suits brought on behalf of a school township, shall be brought in the name of the State of Indiana, for the use of such township.

SEC. 110. An appeal shall lie from the decision of township board to the county auditor, whose decision shall be final.

SEC. 111. Any person who shall sue for or on account of any decision, act, refusal or neglect of duty of the township school board, for which he might have had an appeal, according to the provisions of the preceding section, shall not recover costs.

SEC. 112. No teacher shall be employed unless he be of good moral character, nor until he shall have procured a certificate of qualification, as provided in this act.

SEC. 113. The board of county commissioners of each county shall appoint three school examiners, whose term of office shall severally expire, the first in one, the second in two, the third in three years from the first Monday of April, and all subsequent appointees, except to fill vancancies, shall hold their offices for the term of three years. The clerk of said board of commissioners shall, immediately after their appointment, report their names and post office address to the State Superintendent.

SEC. 114. Said school examiners shall meet on the first Friday of January, and of each alternate month thereafter, and examine applicants for license as teachers of common schools by a series of questions, requiring written answers. They may license teachers for the terms of three, six, twelve or twenty-four months, according to their respective qualifications. They shall report annually, on the first day of January of each year, to the Superintendent of Public Instruction, a tabular account of the number of teachers examined, male and female, the number licensed, and the grade of each class.

SEC. 115. All license shall specify the branches which the applicant is qualified to teach, and the license shall be without charge, but the school examiner shall be entitled to a fee of fifty cents, in advance, from every person applying for examination.

SEC. 116. No person shall be licensed as a common school teacher unless she or he may possess a knowledge of orthography, reading, writing, arithmetic, geography, and English grammar.

SEC. 117. The common school shall be taught in the English language; *Provided, however*, That schools may teach other languages in addition to the English, as a branch of education.

SEC. 118. The county commissioners of each county are required to conform the boundary of their civil townships, to those of congressional townships, as far as it is practicable to do so.

SEC. 119. The length of a school term of three months shall be sixty-five days, and the number of hours in each day, during which the pupils are to be confined in school, shall be six hours.

SEC. 120. The township school board may, whenever a school

house shall have been removed to a different location, or a new one erected for the school in a different place, if the land whereon the same is situated belongs, unconditionally, to the school fund, sell the same, when in their opinion it is advantageous to the township so to do, for the highest price that can be obtained therefor, and upon the payment of the purchase money to the township treasurer, they shall execute to the purchaser a deed of conveyance, which shall be sufficient to vest in the purchaser all the title of such township thereto.

SEC. 121. When any officer authorized to sell school lands, shall have sold any lands without a title thereto, such officer, or his successor in office, may convey such other lands of equal value, as may be agreed upon between such officer and purchaser, his heirs or assigns, or failing to make such agreement, the purchase money, with interest, shall be repaid to such purchaser, his heirs, executors, administrators, or assigns; but no such purchase money shall be thus repaid until the proper prosecuting or district attorney shall have investigated the facts of the case, and certified to the correctness of the claim.

SEC. 122. The county auditors of the several counties of this State, shall, immediately upon the taking effect of this act, open an account upon their books with each of the congressional townships in their respective counties, whose funds are managed by them, and transfer to such account, from the common school fund account, the principal of the congressional township fund, as it existed before its consolidation with the common school fund, and shall thereafter keep a separate account of the principal and interest of the congressional township fund of each township.

SEC. 123. Where the whole of the school funds of county have been loaned, the auditor shall apportion to each congressional township a sufficient number of mortgages to cover the principal of its congressional township fund, and where a part of the school funds only are loaned, the auditor shall so apply a proportional amount, and the cash on hand, when loaned, shall be for the benefit of the congressional townships respectively, to the amount of the entire principal of their congressional fund, and in all loans made after the taking effect of this act, the mortgage shall specify the particular fund borrowed.

SEC. 124. When a vacancy may occur in the office of school-house director, the county auditor shall appoint some person to serve until the next election.

OF THE STATE SUPERINTENDENT.

SEC. 125. There shall be elected, by the qualified voters of the State, at the general election, a State Superintendent of Public Instruction, who shall hold his office for two years.

SEC. 126. He shall enter upon his official duties on the second Monday in February succeeding his election, and shall take and sub-

scribe an oath of office, which shall be filed in the office of the Secretary of State.

SEC. 127. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the State, at which he shall give attendance.

SEC. 128. He shall present an annual report, containing a brief exhibit of his labors, the result of his experience and observation, noticing any imperfection in the operation of the system, and suggest the appropriate correction He shall also prepare and append to said reports all statistical tables, the materials of which have been transmitted to his office, or that of the Auditor of State, and shall cause five thousand copies to be printed and distributed to the several counties of the State.

SEC. 129. He shall superintend the purchase of township libraries, and report to the Legislature his proceedings in relation thereto.

SEC. 130. He shall prepare and transmit to the proper officers, suitable forms and regulations for making all reports and conducting all necessary proceedings under this act, and all necessary instructions for the better organization and government of common schools.

SEC. 131. The annnal report of the Superintendent shall be made to the General Assembly when that body is in session, otherwise to the Governor, who shall communicate a copy thereof to the next General Assembly.

SEC. 132. He may license teachers of the common schools at his pleasure.

SEC. 133. He shall supply each common school library with the legislative documentary journals and the acts of each session of the General Assembly, and also the annual reports of the State Board of Agriculture, and his own annual reports.

SEC. 134. The Secretary of State shall take his receipt for such books and documents, which receipt shall be evidence of the proper disposal of such books and documents.

SEC. 135. With the report of his labors and observations, the Superintendent shall present: A statement of the number of common school in this State, the number of scholars in attendance, their ages, sex, and the branches taught; a statement of the number of private or select schools in the State, so far as the same can be ascertained, the number of scholars, their age, sex, and branches taught; estimates and accounts of the expenditures of the public school funds; plans for the management and improvement of the common school funds, and for the better organization of common schools.

SEC. 136. Inasmuch as by this art certain officers are to be elected at the April election, therefore this act shall be in force from and after the first day of April, 1859.

SEC. 137. That an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5th, 1855, be, and the same is hereby repealed.

The question being, shall the amendments proposed by the committee be adopted?

It was agreed to.

On motion by Mr. Wagner,

The bill was laid on the table and 300 copies ordered to be printed for the use of the Senate.

Mr. Tarkington, from the committee on education, made the following report:

Mr. President:

The committee on education, to whom was referred House bill No. 103, "an act to amend the 49th section of an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,' approved March 5th, 1855, and to legalize the acts of certain officers therein named," have had the same under consideration, and have directed me to report it back to the Senate, and recommend its indefinite postponement.

Which report was concurred in.

Mr. Kinley, from the committee on education, made the following report:

Mr. President:

The committee on education, to whom was referred Senate bill No. 134, "a bill providing for the assessment of taxes for township library purposes," have had the same under consideration, and have directed me to report the same back with the following amendment:

Amend section 2d, in the 4th line, by striking out "twenty-five" and inserting "ten," and when so amended, recommend its passage.

Which report was concurred in.

The question being, shall the amendment be adopted?

It was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. O'Brien, from the committee on education, made the following report:

Mr. President:

The committee on education, to whom was referred Senate bill No.

79, "a bill to extend the time of payment to purchasers of saline and school lands," have had the same under consideration, and directed me to report the same back with the following amendment, and when so amended, to recommend its passage:

Amend by adding:

SEC. —. That this act take effect and be in force from and after its passage.

Which report was concurred in.

The question being, shall the amendment be adopted?

It was agreed to.

Mr. Conner, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 171, being "an act to repeal the 9th section of an act entitled 'an act to amend an act to reduce the law incorporating the City of Madison, and the several acts amendatory thereto, into one act, and to amend the same,' approved May 15th, 1849," have had the same under consideration, and have directed me to report the same back and recommend that it be laid upon the table.

Which report was concurred in.

Mr. Tarkington, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 162, "a bill to amend the 84th section of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Blair, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill

No. 156, "a bill authorizing the purchasers of railroads, plank roads, turnpike roads, and McAdamized roads, or parts thereof, under mortgage sale or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties,' have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Cravens moved to consider the bill as engrossed, and to read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Tarkington, Thompson, Turner, Wagner, Wallace and Wilson—38.

Those who voted in the negative were,

Messrs. Conner, Craven, Culver, Gooding and Williams—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Stevens, from the committee on corporations, made the following report:

Mr. President:

The committee on corporations, to whom was referred House bill No. 151, "a bill to secure dues from private corporations," have had the same under consideration, and direct me to report it back to the Senate, without amendment, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Line, from the committee on federal relations, made the following report:

Mr. President:

The committee on federal relations, to whom was referred Senate

Joint Resolution No. 6, "to instruct our Senators and request our Representatives to vote for a general law on the subject of electing United States Senators," have had the same under consideration, and direct me to report the same back to the Senate and recommend its indefinite postponement, for the reasons that the present indications are that the present Legislature will pass a law on that subject which will supercede the necessity of any interference in the premises by Congress.

Which report was concurred in.

Mr. Stevens, chairman of the committee on printing, made the following report:

Mr. President:

The committee on printing, to whom was referred Senate bill No. 192, "a bill regulating the public printing of the State of Indiana," have had the same under consideration, and have directed me to report it back with a recommendation to strike out from the enacting clause and insert the accompanying amendment, to-wit:

That it shall be the duty of the Secretary of State to advertise in not less than ten nor more than fifteen newspapers in the State for sixty days, for sealed proposals to perform the State printing and binding for the term of two years for the State of Indiana. Also for sealed proposals to do the binding and stitching and folding of all bills, books, pamphlets, and for any and all work necessary to be done either in binding, stitching and folding, or for any other work necessary.

Sec. 2. The Secretary of State shall advertise for proposals substantially as follows: State of Indiana, Marion county: Sealed proposals will be received at the office of the Secretary of State, in the city of Indianapolis, until 12 o'clock on the —— day of ——, 18—, for doing and performing the public printing and binding of the State of Indiana. Also bids for the printing and binding separately. The bids must specify how much for composition per 1,000 ems; for figure work per 1,000 ems; for rule and figure work per 1,000 ems; for press work per token of sixteen pages each; for folding reports and bills; for stitching reports and bills; for binding journals, paper board covers; for binding journals, half calf; for binding documentary journals in paper board covers; for binding documentary journals one-half calf; for binding laws in paper board covers; for binding laws in full calf or sheep. The successful bidder must furnish all the paper, and that must be of first class or superfine quality. Bids may be put in for any one class of work or for all jointly, but if one party puts in a joint bid for several kinds and descriptions of work, and if the various kinds so bid for shall be less than the several bids of various individuals for the same kind of work in the aggregate, then the person so bidding for the various kinds of

work shall be entitled to the same. The bids will be opened in the presence of the Auditor of State and the Treasurer of State, on and after 12 o'clock, of the day advertised for the reception of bids, and the result then announced.

SEC. 3. Each and every person shall file with his proposal or bid separately and distinct from it, a bond with good and sufficient security, to be approved by the Secretary of State, that he will execute all the work according to his bid or proposal if he is the lowest bidder, or if the same shall be adjudged to him, which bond shall be filed by the Secretary of State in his office, and in case of failure or refusal to perform any of its conditions, the said Secretary shall cause suit to be instituted against said party upon his bond for all damages, and shall notify the Attorney General of that fact, who shall attend to the same until finally determined.

SEC. 4. The Secretary of State shall receive all sealed proposals sent to his office and file them by noting thereon the time of day and the day of the month when received, and after 12 o'clock of the day advertised by him to close the receiving of bids, he shall in the presence of the Auditor and Treasurer of State, open the bids and announce whose proposal it is, and for what kind of work. And when all the proposals shall have been opened, the said Secretary of State shall declare in the presence of said Auditor and Treasurer who are the parties or party who has the lowest bid for any part of said work, or for all, or any portion of said work so advertised for.

SEC. 5. The Secretary of State shall file all bids or proposals, after they are opened, in his office, and retain the same there for inspection by any person desiring the same.

SEC. 6. Before the declaring by the Secretary of State who the successful bidder or bidders are, he shall notify them immediately, and they shall give bond within thirty days, in a sum of not less than (20,000,) twenty thousand dollars, to faithfully perform the public printing, or the other kind or description of work which he is to perform. Said bond shall specify the kind of paper, the weight per ream, and all other matters necessary to be embodied in said bond; he shall not give less than two freehold sureties upon said bond, to the satisfaction of the Secretary of State. Said bond shall be filed in the office of Secretary of State and there preserved.

SEC. 7. The Secretary of State shall, with the aid of a practical printer, (who shall take an oath to fairly and impartially, and to the best of his knowledge and ability,) measure any and all printing done under the provisions of this act, and the amount so found shall be certified to by the Secretary of State to the Auditor of State, who shall draw his warrant upon the Treasurer for the amount so certified to by the Secretary of State.

SEC. 8. The Secretary of State shall inspect all the binding and other work done, except printing, and if it has been completed according to the contract, he shall certify the amount due to the Auditor of State, who shall draw his warrant upon the Treasurer therefor.

SEC. 9. The Secretary of State shall be *ex-officio* superintendent of public printing, and if the work is not done in accordance with contract, the Secretary shall cause suit to be instituted upon the bond of such party, and shall notify the Attorney General of the pendency of such suit, who shall prosecute said suit to final determination.

SEC. 10. The Secretary of State shall, for superintending the printing and binding, and other work connected with the printing and binding, receive the sum of two hundred and fifty dollars per annum for his services.

SEC. 11. The office of State Printer is hereby abolished, and all laws and parts of laws, in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 12. If the person or persons to whom the award of printing, folding, and stitching, or binding, or any one or more of the same, or any other kind of work, shall fail to give bond within the time prescribed in the provisions of this act, it shall be deemed that he has forfeited his contract, when the Secretary of State shall cause his bond to be put in suit, and shall notify the Attorney General of the fact.

SEC. 13. Upon the failure of any person or persons to fulfill their contract, the Secretary of State, if he deem it best for the interest of the State, notify the next lowest bidder that his bid is accepted; and if he does not accept, he may cause suit to be instituted upon his bonds, as is specified in section — of this act; or said Secretary may re-advertise for new proposals, in accordance with the provisions of this act; and should any printing or binding, or other work, be absolutely necessary to be done before the bond is filed and the contract executed, he may cause the same to be done; but in such case no greater price shall be paid for said work than is now allowed by law, less twenty-five per cent.

SEC. 14. The printing shall not be unnecessarily spread over a large space or surface, but shall be printed in as close a manner as the circumstances will admit; and if the same be so unnecessarily spread out over more space than is necessary, it shall be the duty of the Secretary of State to make the proper reduction therefor, and only allow such amount as, upon actual measurement, said printer may be entitled to.

SEC. 15. Inasmuch as the office of State Printer expires on the first day of August next, this act shall be in force from and after that day.

Which report was concurred in.

The question being, shall the amendments be adopted?

It was agreed to.

Mr. Wallace moved to lay the bill on the table and to print 300 copies for the use of the Senate.

Which was agreed to.

On motion by Mr. Conner,

Senate bill No. 212. A bill releasing the right of the State of Indiana to redeem the Wabash and Erie canal, and granting permission to the trustees thereof, to rent or lease the same, and matters properly connected therewith,

Was taken up, and

Referred to the committee on the judiciary.

On motion by Mr. Tarkington,

Senate bill No. 185. A bill to amend the sixth, twenty-second, thirty-second, seventy-eighth, seventy-ninth, ninety-sixth, one hundred and nineteenth, and one hundred and ninety-fourth sections, and to repeal section ninety-nine of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852, and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specially provided for, and the assessment of personal property by county auditors and treasurers, and prescribing the duties of officers therein named,

Was taken from the table and placed on the file.

On motion by Mr. Heffren,

Senate bill No. 6. A bill to provide for the safe-keeping and disbursing of the public revenue of the counties and State, and fixing the salary of the Treasurer of State,

Was taken up and placed on the files.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment:

Senate bill No. 220. A bill to authorize circuit courts and courts of common pleas to empannel traverse juries from the by-standers in all cases where the officers required by law to empannel juries have failed or refused to discharge that duty.

Leave being granted,
Mr. Wilson introduced

Senate bill No. 221. A bill to confirm the title to certain swamp lands,
Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,
Mr. Odell introduced

Senate bill No. 222. A bill to prescribe the mode of taixng the Bank of the State of Indiana, to repeal the 15th section of its charter, and to prohibit said bank from issuing on its deposits,
Which was read a first time.

Mr. Heffren moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Johnston, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Turner, Wagner and Williams—37.

Those who voted in the negative were,

Messrs. Conley, Jennings and Wilson—3.

So the rules were suspended and the bill read a second time by its title.

Mr. March moved to amend the bill by inserting in the proper place, the following:
"The capital stock of said bank, with the amount of its circulation over and above its capital stock, and all its other property, real and personal, shall be taxed for all purposes, as the property of individuals is taxed."

On motion by Mr. Heffren,
The bill and pending amendment were referred to the committee on banks.

Leave being granted,
Mr. Green introduced

Senate bill No. 223. A bill to amend section 11 of "an act to

establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,
Mr. Turner introduced

Senate bill No. 224. A bill authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads,

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,
On motion by Mr. Tarkington,

Resolved, That the select committee appointed to investigate the difficulty between Senators Heffren and Gooding be allowed to employ a clerk during such investigation.

Leave being granted,
Mr. Johnston introduced the following resolution:

Resolved, That the judiciary committee be instructed to report back to the Senate on to-morrow, the bill introduced by Senator Wagner on the subject of retaining the school tax in the county where the same may be collected.

Which was agreed to.

On motion by Mr. Green,
The Senate adjourned.

FRIDAY MORNING, 9 o'clock,
February 18, 1859.

The Senate met.

The reading of the Journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 59, "a bill supplemental to an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,' approved March 5th, 1855," have had the same under consideration, and have instructed me to report the same back to the Senate for its action.

Which report was concurred in, the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 70, "an act to make certain appropriations for the purpose of digging and constructing what is known as the Grand Calumet Canal or ditch, in Lake county, Indiana, and defining the duty of the swamp land commissioner of Lake county in relation thereto," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Conner, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 146, "a bill to provide for the publication of all acts and joint resolutions of the General Assembly, which contain an emergency clause, in one weekly newspaper of the several counties of the State, in which one is published, and providing compensation therefor, and the time that said act shall take effect," have had the same under consideration, and have directed me to report the same back with the accompanying amendment, and when so amended, recommend its passage:

Strike out "shall" and insert "may" in the 13th line of first section.

Also, eighth and ninth lines, section 2, strike out "to be determined by the Secretary of State," and insert as follows: "Shall be determined by the several county auditors thereof respectively."

Also, thirteenth line, section 2, strike out the word "transmitted" and insert "filed."

Also, in the next following lines of said section, strike out the words "Secretary of State" and insert "Auditor of such county."

Amend section 3 by adding the following:

"*Provided, however*, That nothing in this section shall be so construed as to prevent the copying of such laws and joint resolutions from any paper in which certified copies are published by publishers entitled to publish the same."

Amend section 4 by striking out the words "five cents per square," and insert "sixty cents per thousand ems, solid matter."

Strike out section five and insert the following:

"It shall be the duty of the several county auditors upon the filing in his office of a copy of the paper containing the acts and joint resolutions aforesaid, to measure the same and issue a warrant upon the county treasurer in favor of the publisher thereof, for the amount to be paid therefor according to the fourth section of this act, and the treasurer shall pay the same out of any moneys in his hands belonging to the State, which warrants shall be received by the Treasurer of State as so much money and be charged to the account of public printing.

Insert the following section after section five:

SEC. 6. Nothing in this act shall be so construed as to authorize the publication of any act or joint resolution that is merely local in its operation, in any other county in the State than the one affected by such act or joint resolution.

Which report was concurred in.

The question being, shall the amendments be adopted?

Which was agreed to, and

The bill ordered to be engrossed and read a third time on to-morrow.

Mr. Heffren moved to suspend the order of business for the purpose of taking up the message of the House on Senate bill No. 145.

The ayes and noes being demanded by Senators Hendry and Slack,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Cravens, Fisk, Green, Hargrove, Heffren, Jennings, Johnston, Kinley, Line, Lomax, McLean, Odell, Robinson, Shoemaker, Stevens, Tarkington, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Conner, Cooper, Craven, Hamilton, Hendry, Hill, March, Slack, Steele and Thompson—10.

So the order of business was suspended, and

The following message from the House were taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

Senate bill No. 145. A bill to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with the provisions of this act, with the following engrossed amendments of the House, to-wit:

Engrossed amendments of the House to Senate bill No. 145:

First—Section three, insert after the words "and road districts."

Second—Section six, strike out the third and fourth specifications in section six, and add after the word "road," in the seventh specification, the word "school," and after the word "supervisor" in said specification, the words "and school," and add the following specification: "Shall have the power to admister oaths where necessary in the discharge of the duties of his office."

Third—Section ten, amend by adding thereto "which report shall be verified by his affidavit."

Fourth—Section eleven, amend by striking out the words "and shall on the following Monday," and insert "and shall within five days thereafter." Strike out the following words in said section "or by publishing the same in some newspaper published in his township."

Fifth—Section fourteen, amend by adding thereto, "*Provided, however*, That when such trustee has served but part of a day, he shall be allowed in payment only in proportion to the time spent."

Sixth—Strike out section sixteen and insert the following:

SEC. 16. The offices of the township treasurer and township clerk are hereby abolished after the election and qualification of the trustee herein provided for, and after such election and qualification, it shall be the duty of such clerk and treasurer to deliver to such trustee, all moneys, books, papers, furniture and all other property belonging to their township.

Seventh—Strike out section nineteen and insert: "The township trustee shall in no case have any power to change, vacate, or open

any highways in any township in any county, but such power shall be vested in the county commissioners of the county, under the same regulations as to the petition, notice and appointment of viewers, and assessment of damages, as is now provided by law in cases effecting more than one township, and that all business now pending before any board of township trustees in relation to changing, vacating, and opening highways, be transferred to the board of county commissioners of the proper county.

In which the concurrence of the Senate is respectfully requested.

Mr. Heffren moved to refer the bill and engrossed amendments of the House to a select committee of three.

Mr. Slack moved to amend the motion so as to refer the bill and amendments to the committee on county and township business.

Mr. Heffren moved to lay the motion to amend on the table.

The ayes and noes were demanded by Senators Slack and Hendry,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Fisk, Green, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McLean, Odell, Robinson, Shoemaker, Tarkington, Wagner, Williams and Wilson—24.

Those who voted in the negative were,

Messrs. Bennett, Conner, Cooper, Culver, Hamilton, Hendry, Hill, Kinley, March, Slack, Stevens and Thompson—12.

So the motion to refer to the committee on county and township business was laid on the table.

The question recurred, shall the bill and engrossed amendments be referred to a select committee of five?

Which was agreed to.

The President appointed Senators Heffren, Shoemaker, Tarkington, Anthony and Wagner, said select committee.

BILLS INTRODUCED.

Mr. Hendry, on behalf of Mr. Weir, introduced

Senate bill No. 225. A bill to compel the banks of this State authorized to do a general banking business, to pay deposits received by them in the transacting of a banking business, and providing pen-

alties for failing to pay the same according to the provisions of this act,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Carnahan introduced

Senate bill No. 226. A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

On motion by Lomax,

Senate bill No. 205. A bill to repeal all laws now in force establishing the times of holding courts in the common pleas district composed of the counties of Washington, Harrison, Orange and Crawford, and to fix the times of holding said courts,

Was read a second time.

Mr. Lomax moved to refer the bill to a select committee of three,

Which was agreed to.

The president appointed Senators Lomax, Heffren and Shoemaker, said select committee.

Mr. March introduced

Senate bill No. 227. A bill to amend the fifty-first section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852,

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Shoemaker, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 210, "a bill to create the fifteenth judicial circuit," have had the same under consideration, and direct me to report it back with the following amendment, and when so amended recommend its passage:

Amend section 3, so that it shall read as follows:

SEC. 3. Said courts, if the business shall require it, shall sit in

the counties of Crawford and Warrick one week each, in the counties of Perry, Spencer and Posey two weeks each, and in the county of Vanderburgh as long as the business thereof may require it.

Which report was concurred in.

The question being, shall the amendment be adopted?

Which was agreed to.

Mr. Shoemaker moved to read the bill a third time now,

Which was agreed to; and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Kinley, Line, McLean, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Thompson, Wallace, Williams and Wilson—38.

Those who voted in the negative were,

Messrs. Heffren, Johnston, Lomax and McClure—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Jennings, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate joint resolution No. 11, "a joint resolution on the African slave trade, and for purposes of African colonization," have had the same under consideration and have directed me to report the same back with the following amendment, and when so amended, they recommend its passage:

Amend the preamble, by inserting before the word "therefore," the following:

WHEREAS, The existing laws for the suppression of the African slave trade, are wholly inadequate to effect that object, and are powerless to prevent a renewal of that traffic; and WHEREAS,

Which report was concurred in.

The question being, shall the amendment be adopted?
It was agreed to.

Mr. Craven moved to postpone the further consideration of the joint resolution until Monday next at 7 o'clock, P. M., and make it the special order for that hour,
Which was agreed to.

Mr. Slack introduced

Senate bill No. 228. A bill to repeal the 51st section of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852,
Which was read a first time and passed to a second reading on to-morrow.

Mr. Slack introduced

Senate bill No. 229. A bill to provide for the infliction of punishment where more than one conviction has been had against the same person at one term of any of the courts of this State, for a violation of any of the criminal laws thereof,
Which was read a first time and passed to a second reading on to-morrow.

Mr. Shoemaker introduced

Senate bill No. 230. A bill to dispense with the selecting and summoning a petit jury for any court of common pleas, where the business does not require it,
Which was read a first time and passed to a second reading on to-morrow.

Mr. Kinley introduced

Senate bill No. 231. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith.

Mr. Kinley moved to suspend the rules and to read the bill a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Kin-

ley, Line, McClure, McLean, March, Murray, Odell, Rice, Robinson, Shoemaker Slack, Steele, Stevens, Tarkington, Thompson, Wagner, Wallace and Wilson—40.

No Senator voting in the negative.

So the rules were suspended, and the bill read a first time by its title.

Mr. Kinley moved to read the bill a second time now.
Which was agreed to, and
The bill was read a second time.

On motion by Mr. Kinley,
The bill was laid on the table and 300 copies ordered to be printed for the use of the Senate.

Mr. Tarkington introduced

Senate bill No. 232. A bill to amend section nineteen of chapter one of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Shoemaker introduced

Senate bill No. 233. A bill to regulate the fees of officers, and repealing all acts in relation thereto.

Mr. Shoemaker moved to suspend the rules and read the bill a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Wagner, Wallace, Williams and Wilson—41.

No Senator voting in the negative.

So the rules were suspended and the bill read a first time by its title.

Mr. Shoemaker moved to read the bill a second time now by its title.

Which was agreed to, and

The bill read a second time.

On motion by Mr. Shoemaker,

The bill was referred to the committee of finance.

Mr. Hill introduced

Senate bill No. 234. A bill to prevent betting on elections, and providing punishment therefor,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hendry, on behalf of Mr. Weir, introduced

Senate bill No. 235. A bill to compel the banks of this State to redeem their notes of issue on presentation and demand therefor, and providing penalties for failing to redeem the same according to the provisions of this act,

Which was read a first time and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 236. A bill to provide for the equal distribution of property assigned for the benfit of creditors,

Which was read a first time and passed to a second reading on to-morrow.

The President laid before the Senate the following communication from the Treasurer of State:

OFFICE OF TREASURER OF STATE,
Indianapolis, Feb. 17, 1859.

HON. J. R. CRAVENS,

President of the Senate:

SIR:—In reply to an inquiry of your honorable body of this date I have the honor to state that, according to the books of this office, there has been paid into the treasury of moneys received from the United States Treasury, as follows:

DATE AND BY WHOM PAID.	AMOUNT.
Sept. 22, 1853, John P. Dunn	$1,697 43
Sept. 22, 1853, E. Newland	3,047 09
Sept. 20, 1854, Joseph A. Wright	6,000 00
Dec. 25, 1855, John P. Dunn	1,440 91
Dec. 29, 1856, Joseph A. Wright	3,000 00
Feb. 11, 1857, Joseph A. Wright	2,000 00
July 13, 1857, Joseph A. Wright	375 00
June 1, 1857, Ashbel P. Willard	2,620 53
Aug. 15, 1857, Ashbel P. Willard	1,864 88
Jan. 3, 1858, Ashbel P. Willard	3,287 73
July 10, 1858, Ashbel P. Willard	6,195 25
Oct. 1, 1858, Ashbel P. Willard	3,673 95
Total receipts	$35,202 77

Let me state in regard to Governor Willard's payments, when the payments were made my predecessor gave his individual receipts, or informal receipts, and the whole amount, $17,642 34, was passed into the books January, 1859, in gross.

There has been no disbursement of the amount herein named, standing to the credit of the general swamp land fund on the books of the office.

I have no knowledge of how much may be due from the government, if any, as by the law of 1857 this whole matter was placed under the direct charge and control of the executives of the State.

I am your obedient servant,

N. F. CUNNINGHAM.

Which,

On motion,

Was referred to the committee on finance.

Leave being granted,

Mr. Conley introduced the following resolution:

Resolved, That hereafter no Senator will be permitted to occupy more than ten minutes in a speech on any question under consideration, except by the unanimous consent of the Senate.

Mr. Wallace moved to lay the resolution on the table.

Which was not agreed to.

Mr. Conner moved to strike out the word "unanimous," so that it will read "except by the consent of the Senate."

Which was not agreed to.

Mr. Wagner offered the following as a substitute for the resolution:

Resolved, That Senators shall not speak longer than ten minutes

at any time, without the unanimous consent of the Senate, except at the night sessions of the Senate.

On motion by Mr. Green,
The substitute was laid on the table.

Mr. Blair moved the previous question,
Which was seconded by the Senate.

The question being, shall the main question be now put?
Which was agreed to.

The question being, shall the resolution be adopted?
It was agreed to.

Leave being granted,
Mr. Heffren, from a select committee, made the following aeport:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 145, "a bill to provide for the more uniform mode of doing township business, prescribing the duties of officers in connection therewith, and to repeal all laws conflicting with this act," and the engrossed amendments of the House thereto, have had the same under consideration, and have directed me to report the same back to the Senate and recommend the adoption of said amendments.
Which report was concurred in.

The amendments were separately considered and adopted.

The bill, as amended, was then read.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Gooding, Green, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Miller, Murray, Odell, Robinson, Shoemaker, Steele, Stevens, Tarkington, Turner, Wagner, Wallace, Williams and Wilson—31.

Those who voted in the negative were,

Messrs. Blair, Conner, Cooper, Craven, Culver, Fisk, Hendry, Hill, Kinley, Line, March, O'Brien, Rice, Slack and Thompson—15.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Line offered the following preamble and resolution:

WHEREAS, A memorial asking aid from the State Treasury to promote the interest of the "Indiana State Historical Society," was referred to a select committee of three for the purpose of taking the same under consideration; therefore,

Resolved, That said select committee be instructed to report a bill to provide for the payment of the sum of three hundred dollars out of the State Treasury to aid in said object, with such checks as prevent the diversion of the funds from the objects of such appropriation.

Mr. Brown moved to strike out "three hundred" and insert "five hundred."
Which was agreed to.

The question recurred, shall the resolution, as amended, be adopted?

The ayes and noes being demanded by Senators Carnahan and Wallace,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Heffren, Hendry, Hill, Jennings, Kinley, Line, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Tarkington, Thompson, Turner, Wagner, Wallace and Wilson—40.

Those who voted in the negative were,

Messrs. Carnahan, Hargrove, Johnston and Lomax—4.

So the resolution as amended was adopted.

On motion by Mr. Heffren,
The Senate adjourned.

2 o'clock, p. m.

The Senate met.

Leave being granted,
Mr. Lomax, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred Senate bill No. 205, "a bill to repeal all laws now in force establishing the times of holding courts in the common pleas district composed of the counties of Washington, Harrison, Orange and Crawford, and to fix the times of holding said courts," have had the same under consideration, and direct me to report the same back without amendment, and recommend its passage.
Which report was concurred in.

On motion by Mr. Williams,
The following messages from the House were taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 142. An act to authorize the boards of commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties, as will indemnify the owners of property for losses sustained by taking, carrying away, or destruction of such property by any officer, under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the case therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855, and reimburse the officers named in said act, who, in good faith, have executed the provisions thereof, and been subject to loss thereby, and authorizing an allowance to officers who have paid costs in cases of habeas corpus under said act. Also,

House bill No. 249. A bill to change the time of holding the common pleas courts in the counties of St. Joseph, Marshall and Starke.
In which the concurrence of the Senate is respectfully requested.

House bills Nos. 142 and 249, contained in the foregoing message,
Were each read a first time and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 201. A bill to amend the 78th section of "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," so as to correct an error in said section, defining the boundaries, and defining the jurisdiction of the county of Sullivan.
In which the concurrence of the Senate is respectfully requested.

House bill No. 201, contained in the foregoing message,
Was read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 143. A bill to legalize the appraisement and assessment of property in the cities of this State, and the making out delivery of tax duplicates in the cities of this State incorporated under the act of 1857.
In which the concurrence of the Senate is respectfully requested.

House bill No. 143, contained in the foregoing message,
Was read a first time, and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

Senate Bills on Second Reading.

Senate bill No. 204. A bill to amend an act entitled "an act to provide for the election and prescribing certain duties of recorders," approved May 31, 1852,
Was read a second time.

Mr. Line moved to amend the bill by striking out the word "recorder" and inserting "township trustee."
Which was not agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 206. A bill to amend section 24 of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852,
Was read a second time, and
On motion,
Referred to the committee on the judiciary

A message from the Governor, by Mr. Osborne, Executive Messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

Senate bill No. 220. An act to authorize circuit courts and courts of common pleas to empannel traverse juries from the by-standers in all cases where the officers required by law to empannel juries have failed or refused to discharge that duty.

Mr. Shoemaker moved to reconsider the vote by which Senate bill No. 205 was ordered to be engrossed.
Which was agreed to.

Mr. Heffren moved to recommit the bill to the same select committee.
Which was agreed to.

Leave being granted,
Mr. Wagner, chairman of the committee on education, made the following report:

Mr. President:

The committee on education, to whom was referred House bill No. 59, "a bill to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund, and other funds, time of payment of loans, and prescribing the duties of officers in regard thereto," have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, to recommend its passage:

Amend section 3 by striking out the word "an" and inserting in

lieu thereof thereof the word "no," and after the word "shall," in next to the last line, add "result therefrom, and no officer or officers shall."

Which report was concurred in.

The question being, shall the amendment proposed by the committee be adopted?

It was agreed to.

Mr. Murray moved to consider the bill as engrossed and to read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Robinson, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Wallace and Wilson—36.

Those who voted in the negative were,

Messrs. Culver, Hargrove, Hendry, O'Brien, Odell, Shoemaker, Thompson, and Williams—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 38. A bill to enable industrious indigent persons who are unable to give security to rent lands,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Carnahan, Conley, Conner, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hill, Johnston, Kinley, Line, Lomax, O'Brien, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Wagner, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Bennett, Brown, Cobb, Heffren, Hendry, Jennings, McClure, McLean, March, Miller and Slack—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Gooding moved to amend the title of the bill by adding:
"And to secure the payment of rent."
Which was agreed to.

Senate bill No. 203. A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers,
Was read a third time.

Mr. Heffren moved to recommit the bill to the committee on benevolent institutions with instructions "to so amend the bill as to require three trustees to each Asylum, and to strike out all that part thereof in regard to a President."

Mr. Line moved to lay the motion to recommit on the table.

The ayes and noes being demanded by Senators Heffren and Line,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Conley, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hendry, Hill, Johnston, Kinley, Line, McLean, March, Murray, Robinson, Slack, Steele, Stevens, Thompson, Turner, Wagner and Wilson—27.

Those who voted in the negative were,

Messrs. Brown, Carnahan, Cobb, Culver, Fisk, Hargrove, Heffren, Jennings, Lomax, McClure, Odell, Shoemaker, Studabaker, Tarkington, Wallace and Williams—17.

So the motion to recommit was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Conley, Conner, Cooper, Cravens, Craven, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Line, March, Murray, Odell, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Williams and Wilson—29.

Those who voted in the negative were,

Messrs. Brown, Carnahan, Cobb, Culver, Fisk, Gooding, Heffren, Jennings, Lomax, McClure, McLean, O'Brien, Shoemaker, Slack, Studabaker, Wagner and Wallace—17.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 39. A bill to amend "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties," approved June 7th, 1852,
Was read a third time.

Mr. Murray moved to amend the bill by adding in the proper place:
Provided, That the county treasurer shall pay over the same to the person entitled thereto upon the order or certificate of the clerk.
Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—36.

Those who voted in the negative were,

Messrs. Anthony, Cobb, Craven, Gooding, Kinley and Slack—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 40. A bill to amend section 151 of "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb,

Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace and Wilson—40.

Senators Conley and Williams voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 44. A bill to change the time of the election of members of Congress, and to provide for their election,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Conner, Cravens, Culver, Gooding, Green, Hill, Kinley, Murray, Rice, Robinson and Wagner—16.

Those who voted in the negative were,

Messrs. Blair, Carnahan, Conley, Cooper, Craven, Hamilton, Hargrove, Heffren, Hendry, Johnston, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wallace, Williams and Wilson—27.

So the bill did not pass.

Senate bill No. 45. A bill to provide compensation to owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State,
Was read a third time.

Mr. Conner moved to recommit the bill to a select committee of five with instructions to amend the bill as follows:
In the sixth line of section three, after the word "fenced," strike out all that follows up to the word "but," in the ninth line, and insert the following: "The owner thereof shall have his or her right of action against such company, for two-thirds of the value of such property killed or injury inflicted, without regard to the question whether such injury or destruction was the result of willful misconduct or negligence, or the result of unavoidable accident."

Mr. Beeson moved to amend the instructions by adding thereto:
Provided, That said stock were on or adjacent to the premises of the owners at the time of such killing.

Mr. Green moved to further amend the instructions so as to strike the third section from the bill.

Mr. Craven moved to lay the amendments to the instructions on the table.

The ayes and noes being demanded by Senators Craven and Beeson,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, March, Miller, O'Brien, Odell, Rice, Robinson, Shoemaker, Studabaker, Tarkington, Thompson. Turner, Wagner, Wallace, Williams and Wilson—35.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Green, Lomax, McClure, McLean, Murray and Steele—8.

So the amendments to the instructions were laid on the table.

The motion to recommit to a select committee with the instructions of Mr. Conner was agreed to.

The President appointed Senators Conner, Craven, Cobb, March and Murray said select committee.

Senate bill No. 174. A bill fixing the time of holding the court of common pleas in the county of Hendricks, and the length of the terms thereof, and repealing all laws in conflict therewith,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson—43.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Turner, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have examined enrolled Senate bill No. 145, "a bill to provide for the more uniform mode of doing township business, prescribing the duties of officers in connection therewith, and to repeal all laws in conflict therewith," and find the same correct.

On motion by Mr. McLean,
The Senate adjourned.

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7 O'CLOCK, P. M.

The Senate met.

SENATE BILLS ON SECOND READING.

Senate bill No. 6. A bill to provide for the safe-keeping and disbursing of the public revenue of the counties and State, and fixing the salary of the Treasurer of State,
Was read a second time, and
Referred to the committee on finance.

Senate bill No. 185. A bill to amend the sixth, twenty-second, thirty-second, seventy eighth, seventy-ninth, ninety-sixth, one hundred and nineteenth, and one hundred and ninety-fourth sections, and to repeal section ninety-nine of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852, and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specially provided for, and the assessment of personal property by

county auditors and treasurers, and prescribing the duties of officers therein named,

Was read a second time, ordered to be engrossed, and read a third time on to-morrow.

Senate bill No. 208. A bill to amend the 1st section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained,

Was read a second time, and

Referred to the committee on county and township business.

Senate bill No. 213. A bill to amend sections 50, 65 and 66 of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 207. A bill relative to the salaries of the judges of the supreme and circuit courts, and of the prosecuting attorneys of the several judicial circuits, and the manner of reimbursing the State against the expenses of the judiciary,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 209. A bill to amend the 1st section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 211. A bill to regulate the business of foreign insurance companies within the State of Indiana, and prescribing the duties of such companies, and to repeal an act entitled "an act to amend an act for the incorporation of insurance companies, defining their powers and duties," approved March 2, 1855,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 210. A bill to repeal an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852,

Was read a second time, and

Referred to the committee on rights and privileges.

Senate bill No. 214. A bill to amend section 18 of an act entitled "an act providing for the election of justices of the peace, and defining their powers and duties in civil cases,"

Was read a second time, and

Referred to the committee on county and township business.

Senate bill No. 215. A bill authorizing the voters of townships to vote a tax to finish unfinished railroads running through the township,

Was read a second time, and

Referred to the committee on corporations.

Senate bill No. 216. A bill to amend the 79th and 80th sections of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5th, 1855,

Was read a second time, and

Referred to the committee on education.

Senate bill No. 218. A bill to define the meaning of the constitution, and to prevent the importation of illegal voters, and to prescribe punishment therefor,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 221. A bill to confirm the title to certain swamp lands,

Was read a second time, and

Referred to the committee on swamp lands.

Senate bill No. 224. A bill authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads,

Was read a second time, and

Referred to the committee on roads.

Senate bill No. 223. A bill to amend section 11 of "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852,

Was read a second time, and

Referred to the committee on the judiciary.

Leave being granted,

Mr. Wagner, on behalf of the joint committee on the subject of geological survey of the State, introduced

Senate bill No. 237. A bill authorizing a geological reconnoissance of the State, and making appropriations therefor,

Which was read a first time and passed to a second reading on tomorrow.

Leave being granted,

Mr. Cravens introduced

Senate bill No. 238. A bill for the better protection of orchards, gardens and vineyards,

Which was read a first time and passed to a second reading on tomorrow.

The President laid before the Senate the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE,
Indianapolis, Feb. 17, 1859.

HON. J. R. CRAVENS,
President of the Senate:

SIR:—In answer to a resolution of the Senate, over which you have the honor to preside, requiring information from this office of the amount of moneys received and accounted for by Joseph A. Wright, late Governor, E. Newland, late Treasurer of State, and John P. Dunn, late Auditor of State, from the Treasury of the United States for swamp lands, I beg leave to report that there was paid into the State Treasury as follows:

Sept. 22, 1853, John P. Dunn	$1,697	43
Sept. 22, 1853, E. Newland	3,047	09
Sept. 20, 1854, Joseph A. Wright	6,000	00
Dec. 25, 1855, John P. Dunn	1,440	91
Dec. 29, 1856, Joseph A. Wright	3,000	00
Feb. 11, 1857, Joseph A. Wright	2,000	00
July 13, 1857, Joseph A. Wright	375	00
	$17,560	43

The Treasurer of State's memorandum book shows that Gov. A. P. Willard paid into the State Treasury the following sums at the dates:

June 1, 1857, Ashbel P. Willard	$2,620	53
Aug. 15, 1857, Ashbel P. Willard	1,864	88
Jan. 3, 1858, Ashbel P. Willard	3,287	73
July 10, 1858, Ashbel P. Willard	6,195	25
Oct. 1, 1858, Ashbel P. Willard	3,673	95
	$17,642	34

Thus it will be seen that Governor Joseph A. Wright has paid in, for moneys received by him from the United States for swamp lands, the sum of $11,375 00
Elijah Newland..... 3,047 49
John P. Dunn..... 3,138 34
A. P. Willard..... 17,642 34

Making in all..... $35,202 77

There are no papers in this office by which it can be ascertained how much each party received from the United States.

All of which is respectfully submitted.

Your obedient servant,
JOHN W. DODD, *Auditor.*

Which,
On motion,
Was referred to the committee on finance.

Mr. Wagner moved to reconsider the vote by which House bill No. 103 was indefinitely postponed on yesterday.

Which was agreed to.

The question being, shall the bill be indefinitely postponed, as recommended by the committee?

Which was not agreed to.

On motion by Mr Wagner,
The bill was laid on the table.

Mr. O'Brien, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 163, "a bill relinquishing to William English, of Dearborn county, the interest acquired by the State of Indiana, by escheat, in and to in-lot No. thirty-three (33) in Rossville, in said county," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Leave being granted,
Mr. Robinson introduced

Senate bill No. 239. A bill to amend section 35 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852,

Which was read a first time and passed to a second reading on to-morrow.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 183, "an act in relation to the partition of real estate," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

Strike out all after the enacting clause and insert the following:

That in actions for partition now pending, or hereafter brought, where there are several tracts of lands in which a widow is entitled either to an estate for life or in fee simple, and there are tenants in common with her in all or any part of said lands, such widow may select and accept any particular tract or parcel of such lands, in one body, in lieu of her interest in all or any portion thereof. The commissioners, under the direction of the court, if they deem it just and proper to do so, may assign and set off to such widow the tract or parcel so selected by her, as and for her interest in the whole of said lands, or in such part thereof as may be equal in value to the interest of such tenants in common in such selected tract. All persons legally or equitably interested in all or any tract or parcel of the realty of which the husband died seized and of which the widow claims partition, must be made parties, whether each is interested in all the tract or not, and the partition thereof may be made in the same action.

Which report was concurred in.

The question being, shall the amendment be adopted?

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Leave being granted,

Mr. Carnahan, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 27, being "a bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the powers of such consolidated companies," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Mr. Lomax offered the following resolution:

Resolved, That as our bondholders, (to whom was transferred all the right and title vested in the State of Indiana in the Wabash and Erie Canal, by deed of trust for at least the term of twenty years, to secure the full payment of one moiety of the outstanding debt of the State, as shown by two several acts of the Legislature, namely, of June, 1846, and January, 1847,) have not given any intimation to this Legislature of their intention to abandon said Canal, nor in any way to commit a violation of said contract, it would be both dangerous and improper for the Legislature, at this time, to pass a law to relinquish any right that the State may hold in the said canal, or in any other way to interfere by Legislative enactment;

Which,

On motion,

Was referred to the committee on canals and internal improvements.

On motion by Mr. Hill,

Resolved, That the committee on State Prison be instructed to inquire into the expediency of providing for lighting the cells in the prison with gas, and report by bill or otherwise.

On motion by Mr. Wagner,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock,
February 19, 1859.

The Senate met.

The reading of the Journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. McLean, from the committee on the judiciary, made the following report:

Mr. President

The committee on the judiciary, to whom was referred Senate Bill

No. 198, "an act to provide for the taxing and collection of docket fees in certain cases, and the payment of the same to the State and county treasurer," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it lie on the table.

Which report was concurred in.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 79, "a bill requiring the county from which a change of venue in a criminal case has been taken to pay the expenses of such trial to the county in which such trial has been had," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Cobb, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 206, "an act to amend section 24 of an act entitled 'an act concerning real property and the alienation thereof,' approved May 6th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Heffren, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 95, "a bill to legalize the locations, vacations and changes of public highways within this State," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 164, "an act to amend the 11th section of an act entitled 'an act establishing courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof,' approved May 14th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Mr. Slack moved to concur in the report with the following amendment:

Strike out of section first the words "actions on the official bond of any State or county officer."

Mr. Bennett moved to lay the report and pending amendment on the table.

The ayes and noes being demanded by Senators Bennett and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Conley, Fisk, Hargrove, Heffren, Lomax and O'Brien,—11.

Those who voted in the negative were,

Messrs. Blair, Brown, Conner, Craven, Culver, Green, Hamilton, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, McClure, McLean, March, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—31.

So the report and pending amendment was not laid on the table.

The question being, shall the report with the pending amendment be concurred in?

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Tarkington moved to reconsider the vote by which House bill No. 95 was indefinitely postponed.

Which was not agreed to.

Mr. Anthony, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 147, "a bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates thereof," with an amendment, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, without amendment.

Mr. Wilson moved to postpone the further consideration of the bill until Tuesday next at 10 o'clock, A. M., and make it the special order for that hour.

Which was agreed to.

Mr. Gooding moved to suspend the order of business and take up House bill No. 29.

The ayes and noes being demanded by Senators Gooding and McLean,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Brown, Cobb, Conley, Conner, Cooper, Culver, Fisk, Gooding, Green, Hendry, Jones, Kinley, McLean, Miller, Murray, Robinson, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Anthony, Blair, Carnahan, Cravens, Craven, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Line, Lomax, McClure, March, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Tarkington and Wallace—23.

So the order of business was suspended, and

House bill No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violations thereof.

Was taken up and read a third time.

Mr. Williams moved a call of the Senate.

Which was agreed to.

The Secretary proceeded with the call,

Pending which,

On motion,

The further call of the Senate was suspended.

Mr. Gooding moved the previous question,
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Cooper, Cravens, Culver, Gooding, Green, Hamilton, Hendry, Jones, McLean, Murray, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner, Williams and Wilson—26.

Those who voted in the negative were,

Messrs. Blair, Brown, Conner, Craven, Fisk, Hargrove, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, March, O'Brien, Shoemaker, Slack, Turner and Wallace—20.

Senators Bobbs and Miller were present and refused to vote.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 145. An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act.

Mr. March, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate bill No. 212, "an act releasing the right of the State of Indiana to redeem the Wabash and Erie canal, and granting permission to the trustees thereof to rent or lease the same, and matters properly con-

nected therewith," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.

Mr. Carnahan moved to concur in the report of the committee with an amendment striking out the fifth section of the bill.

Mr. Murray moved to postpone the further consideration of the bill and pending amendment until Monday next at 7 o'clock, P. M., and make them the special order for that hour.

Which was agreed to.

Mr. Studabaker moved to suspend the order of business and take up Senate bill No. 23.

Which was agreed to, and

Senate bill No. 23. A bill to fix the time of holding the terms of the court of common pleas in the counties of Allen and Adams, and to repeal all laws in conflict therewith,

Was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Wallace, Williams and Wilson —44.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Rice, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 189, "a bill prescribing the length of residence in a county and township necessary to constitute a person a legal voter therein, defining a violation of the provisions of this act to be a misdemeanor, and prescribing the punishment therefor, amending sections 21 and

22 of an act entitled 'an act regulating general elections, and prescribing the duties of officers in relation thereto,' approved June 7th, 1852, and repealing all laws in conflict herewith," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it lie on the table.

Which report was concurred in.

Mr. Steele, chairman of the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred Senate bill No. 122, "a bill to prescribe the mode of taxing the Bank of the State of Indiana, to repeal the 15th section of its charter, and to prohibit said bank from issuing on its deposits," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Mr. March moved to concur in the report of the committee with the following amendment:

Strike out the amended section and insert: "The capital stock of said bank, together with the amount of its circulation over and above the amount of capital stock, and all its other property, both real and personal, shall be subject to the same rate of taxation for State, county and municipal purposes as the property of individuals."

The ayes and noes being demanded by Senators March and Gooding,

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Craven, Fisk, Gooding, Green, Heffren, Hendry, Hill, Kinley, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Rice, Robinson, Slack, Studabaker, Tarkington, Thompson Turner, Wallace, and Williams—31.

Those who voted in the negative were,

Messrs. Blair, Hamilton, McLean, Murray, Steele, Stevens and Wagner—7.

So the report, as amended, was concurred in.

Mr. Slack moved to amend the bill by striking the preamble therefrom.

The ayes and noes being demanded by Senators Slack and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Fisk, Gooding, Hendry, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Rice, Robinson, Slack, Studabaker, Tarkington, Thompson, Turner, Wallace and Williams—27.

Those who voted in the negative were,

Messrs. Craven, Green, Hamilton, Hill, Murray, Odell, Steele, Stevens and Wagner—9.

So the amendment was adopted.

Mr. Murray moved to recommit the bill to a select committee of five.
Which was not agreed to.

The question being, shall the bill be engrossed and read a third time on to-morrow.
It was agreed to.

Leave of absence was granted Mr. Gooding until Monday next at 2 o'clock, P. M.

On motion by Mr. Heffren,

Senate bill No. 192. A bill regulating the public printing of the State of Indiana, and fixing the compensation therefor, and prescribing the duties of certain officers therein named,
Was taken from the table and placed on the file.

On motion by Mr. Conley,
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Steele, chairman of the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred Senate bill No. 93, "a bill to amend section 15 of an act entitled 'an act to establish a bank with branches,' passed March 3, 1855," have had the same under consideration, and not being able to find any change made in the law by the amendment proposed, have directed me to report the same back and recommend its indefinite postponement.

Which report was concurred in.

Mr. Williams moved to reconsider the vote taken this morning by which Senate bill No. 222 was ordered to be engrossed.

Which was agreed to.

On motion by Mr. Bobbs,

The bill was re-committed to a select committee of three.

The President appointed Senators Bobbs, Williams and Steele said select committee.

Mr. Wagner, from the committee on banks, made the following report:

MR. PRESIDENT:

The committee on banks, to whom was referred Senate bill No. 187, "a bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Mr. Hendry moved to concur in the report with the following amendment:

Amend by inserting in the proper place: "That the books for the subscription of stock shall be kept open from 9 o'clock, A. M., to 12 o'clock, M., each day for thirty days.

Which was agreed to.

Mr. March moved to amend the bill by adding the following sections thereto:

SEC. —. *Be it further enacted by the General Assembly of the State of Indiana*, That section 15 of an act entitled "an act to establish a bank with branches," passed March 3, 1855, which reads as follows, to-wit:

"Sec. 15. The capital stock of said bank shall be subject to the same rate of taxation, for State and county purposes, as the property or stock of other moneyed corporations, and the real estate and other property of said bank and branches, situated in any city or town,

shall be taxable for municipal purposes in the same manner as other property so situated, but the capital stock of said bank and branches shall not be taxable for municipal purposes," be amended so as to read as follows, to-wit:

The capital stock of said bank, togethor with the amount of its circulation over and above the capital stock, and its real estate and other property shall be subject to the same rate of taxation for State, county and municipal purposes as the property of individuals.

SEC. —. That section 91 of said act, which reads as follows, to-wit:

"Sec. 91. That it shall be lawful for the General Assembly, (by and with the consent of the president and directors of the bank, and of the president and directors of each branch, and not otherwise,) to make such amendments and alterations in this charter as may be found expedient; *Provided*, That said bank or any of its branches shall not be authorized by any such amendments to suspend or refuse the payment of specie for its bills, notes or obligations, or for any money received on deposit, and that no such amendment shall be made, the faith of the State is hereby pledged to the creditors of said bank and branches; *And provided further*, That the State reserves the right to authorize the establishment of additional bank districts and branches, with the consent of the boards of directors of two-thirds of the branches organized," be amended so as to read as follows, to-wit:

SEC. —. The Legislature may, at any time, alter or repeal this act, but said bank or any of its branches shall not be authorized by any amendment to suspend or refuse the payment of specie for any money received on deposits, and the faith of the State is hereby pledged that no such amendment shall ever be made.

SEC. —. The power granted by this act to establish additional branches of said bank of the State is made upon the express condition precedent, that said bank accepts the above amendments to its charter in the manner prescribed in the said ninety-first section of its original charter.

Mr. Wagner moved to postpone the further consideration of the bill and pending amendment until Monday next at 3 o'clock, P. M., and make them the special order for the hour.

Which was agreed to.

REPORTS FROM SELECT COMMITTEES.

Mr. Craven, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 45, "a bill to provide compensation to owners of animals killed or injured by the cars, locomotives and carriages of any railroad company in

this State," with instructions to amend the third section thereof, have had the same under consideration, and have instructed me to report the same back to the Senate, amended as aforesaid, and recommend its passage.

Mr. Murray moved to concur in the report with an amendment striking out the word "inflicted" and inserting the word "done."

Which was agreed to, and the report was concurred in.

Mr. Murray moved to recommit the bill with instructions to add the following proviso in the proper place:

Provided, That if on the trial instituted to recover the full value of the property destroyed, or stock killed, it shall appear that the defendant had tendered to the plaintiff two-thirds of the value of the injury done to property or stock killed, before suit commenced, which had been refused, and the plaintiff shall fail to recover the full value of the injury done or stock killed, the defendant shall recover costs in the suit.

Which was not agreed to.

On motion by Mr. Bobbs,
The bill was laid on the table.

Mr. Green moved to suspend the order of business and to take up the following message from the House.

Which was agreed to.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following preamble and resolution:

WHEREAS, House bill No. 147 was passed through the House without sufficient consideration; therefore,

Resolved, That the Senate be respectfully requested to return said bill to the House for its reconsideration.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Green,
The resolution of the House was concurred in.

Leave being granted,
Mr. Kinley offered the following preamble and resolution:

WHEREAS, Professor Caleb Mills, in his response to a resolution of the Senate, requesting him to furnish such facts and suggestions as he might think proper on the subject of schools and the common school law of the State, has furnished the Senate with valuable facts and suggestions, and been at considerable expense in consequence; therefore,

Resolved, That the committee on finance be instructed to make such provision in the specific appropriation bill as will reimburse said Mills for his outlay as above set forth.

Which was agreed to.

Leave being granted,
Mr. Heffren presented the claim of S. F. Irvin,
Which,
On motion,
Was referred to the committee on finance.

ORDERS OF THE DAY.

Senate Bills on their Second Reading.

Senate bill No. 225. A bill to compel the banks of this State authorized to do a general banking business, to pay deposits received by them in the transacting of a banking business, and providing penalties for failing to pay the same according to the provisions of this act,
Was read a second time.

Mr. Murray moved to amend the bill by striking therefrom the words "or banks" wherever they occur therein.

On motion by Mr. Heffren,
The bill and pending amendment were referred to the committee on banks.

Senate bill No. 226. A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852,
Was read a second time.

Mr. Carnahan moved to amend the bill by inserting in the proper place the following:

That any church or religious society holding lands and property for educational purposes, undivided into shares, may elect or appoint six or more of its members incorporators, according to its rules and

usages, which incorporators may act as trustees to purchase and hold in trust such property, and other property for such purposes, and to receive gifts and donations for the same end, and they shall have such power to manage such institutions as is conferred on trustees otherwise provided for in said act. They are to be subject to the advice and control of the church or religious society making their appointment or election, and their term of service shall be as provided for in said act

This act to take effect and be in force from and after its passage.

On motion,

The bill and pending amendment were referred to the committee on corporations.

Senate bill No. 228. A bill to repeal the 51st section of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852,

Was read a second time, and

On motion,

Referred to the committee on finance.

Senate bill No. 227. A bill to amend the fifty-first section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852,

Was read a second time, and

On motion,

Referred to the committee on finance.

On motion by Mr. Heffren,

Senate bill No. 192. A bill regulating the public printing of the State of Indiana, and fixing the compensation therefor, and prescribing the duties of certain officers therein named,

Was taken up.

Mr. Heffren moved to amend the bill as follows:

Amend section 2, line 11, by striking out "or sheep."

Section 3, line 2d, after "State" insert "Auditor of State and Treasurer of State."

Add to section 5 the following: "The said Secretary of State shall cause to be published in the daily papers in the city of Indianapolis, all the proposals received by him for performing any and all work advertised for, and the name or names of the party or parties so bidding."

Section 6, line 1st, strike out "before," and insert "after;" same section fourth line, after the word "perform," insert "according to his proposal;" after the word "ream," in line fifth, insert "that said work shall be speedily executed and completed, without any unnec-

essary delay, and all such other conditions as the said Secretary, Auditor and Treasurer of State shall consider;" strike out the words "and all other matters," in same line; after the word "Secretary," in the seventh line, insert "Auditor and Treasurer," and add the following to the section:

"The Secretary of State shall have power in all cases, to administer the necessary and proper oaths in all matters properly connected with this act, both to contractors and sureties."

Section seven, line first, after the word "printer," strike out "who," and insert "which printer;" same section, line third, insert "and said printer shall give a certificate to the Secretary of State of the amount so measured, and which the Secretary of State shall file in his office;" strike out all after the words "certified to," in the fifth line of same section.

Section 8, after the word "Secretary," in the first line, insert "Auditor and Treasurer;" in the second line of same section, strike out "he" and insert "they."

Section 13, in line two, after the word "State," insert the word "shall;" in fourth line of same section, strike out "bonds," and insert "bond," and insert nine in the blank.

The amendments were separately considered and adopted.

Mr. Blair moved to amend the bill by inserting after the word "printer," the words "who is not interested in any contract for printing as provided in this act."

Which was adopted.

The bill was ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 236. A bill to provide for the equal distribution of property assigned for the benfit of creditors,

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 229. A bill to provide for the infliction of punishment where more than one conviction has been had against the same person at one term of any of the courts of this State, for a violation of any of the criminal laws thereof,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 230. A bill to dispense with the selecting and summoning a petit jury for any court of common pleas, where the business may not require it,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 232. A bill to amend section nineteen of chapter

one of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 234. A bill to prevent betting on elections, and providing punishment for the same,

Was read a second time, and

Referred to the committee on the judiciary.

Senate bill No. 235. A bill to compel the banks of this State to redeem their notes of issue on presentation and demand therefor, and providing penalties for failing to redeem the same according to the provisions of this act,

Was read a second time, and

Referred to the committee on banks.

Senate bill No. 237. A bill authorizing a geological reconnoissance of the State, and making appropriations therefor,

Was read a second time, and

On motion,

Referred to the committee on finance.

Senate bill No. 238. A bill for the better protection of orchards, gardens and vineyards,

Was read a second time, and

Referred to the committee on agriculture.

Senate bill No. 239. A bill to amend section 35 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852,

Was read a second time.

Referred to the committee on the judiciary.

HOUSE BILLS ON THEIR SECOND READING.

House bill No. 142. An act to authorize the boards of commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties, as will indemnify the owners of property for losses sustained by taking, carrying away, or destruction of such property by any officer, under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and to repeal all former acts incon-

sistent therewith, and for the suppression of intemperance," approved February 16, 1855, and reimburse the officers named in said act, who, in good faith, have executed the provisions thereof, and been subject to loss thereby, and authorizing an allowance to officers who have paid costs in cases of habeas corpus under said act,

Was read a second time, and

Referred to the committee on the judiciary.

House bill No. 143. A bill to legalize the appraisement and assessment of property in the cities of this State, and the making out and delivery of tax duplicates in the cities of this State incorporated under the act of 1857,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 201. A bill to amend the 78th section of "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," so as to correct an error in said section, and defining the jurisdiction of the county of Sullivan,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 249. A bill to change the time of holding the common pleas courts in the counties of St. Joseph, Marshall and Starke,

Was read a second time and passed to a third reading on to-morrow.

Leave being granted,

Mr. Studabaker introduced

Senate bill No. 240. A bill to authorize justices of the peace within their respective counties to administer oaths generally and to legalize such as may have been administered in good faith and without fraud since the 6th of May, 1853.

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. McClure presented the claim of James McNeely for re-capturing William Swincher, a horse thief,

Which,

On motion by Mr. McClure,

Was referred to the committee on claims.

On motion by Mr. McLean,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, A. M., February 21, 1859.

The Senate met.

The Journal of Saturday was read.

REPORTS FROM STANDING COMMITTEES.

Mr. McLean, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary to whom was referred Senate bill No. 211, "a bill to regulate the business of foreign insurance companies within the State of Indiana, and prescribing the duties of such companies, and to repeal an act entitled "an act to amend an act entitled 'an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved March 2d, 1855, have had the same under consideration and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. March, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary to whom was referred Senate bill No. 152, "a bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed on located, and to use and occupy the same when completed," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Murray, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred a resolution of enquiry touching alledged swamp land deposits from Pulaski county in the Wabash Valley Bank, and as to what mode should be adopted for the recovery of the same, have had the same under consideration and have arrived at the following facts and conclusions:

First, That deposits were made in the Wabash Valley Bank to the credit of the swamp land funds of Pulaski county in the years 1854 and 1855, under instructions of the Treasurer of State, and that there is yet remaining due and unpaid some twelve or thirteen thousand dollars.

Second, That there is on file in the office of Treasurer of State a bond with what appears to be ample security for the re-payment of all deposits made in said bank to the credit of the State.

Third, That a joint resolution approved March 7th, 1857, required the Attorney General to forthwith institute legal proceedings against said banks for the recovery and re-payment of all deposits thus made.

Fourth, That the Attorney General has wholly failed to institute such suit or take any steps in the matter.

Fifth, It is in proof before your committee that Aquilla Jones, late Treasurer of State, spent money and time in trying to collect the same or to compromise the matter with the bank, but has wholly failed to collect or secure any arrangement with the bank or the securities on the bond given to the State for the prompt payment of the said deposits, and inasmuch as the State officers are charged by law with the care of all such funds, and inasmuch as the State is the trustee for the safe-keeping of said funds, your committee would in conclusion recommend that the Treasurer and Auditor of State, in case the Attorney General fails to immediately proceed in his duty as provided in said joint resolution, proceed without delay to the collection of all such swamp land deposits as may have been credited to the State on account of Pulaski county, and in such way as may appear to the interest of the fund, in which they desire the concurrence of the Senate.

On motion by Mr. Murray,

The report was referred to the committee on finance.

BILLS INTRODUCED.

Mr. March introduced

Senate bill No 241. A bill extending to the sinking fund board as re-organized, the powers exercised by the old board and applying

to the new board the laws that governed the old as far as applicable to the new,

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Craven introduced

Senate bill No. 242. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe-keeping of public moneys.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Green introduced

Senate bill No. 243. A bill to amend section 23 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Green introduced

Senate bill No. 244. A bill to amend the 8th section of an act entitled "an act for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereof, and certain forms to be used in such settlements.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Heffren introduced

Senate bill No. 245. A bill to enforce the 13th article of the Constitution and to prevent negroes or mulattoes, or persons having one-eighth or more negro blood, from coming into this State or settling herein, and providing penalties therefor.

Which was read a first time and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

Senate Bills on their Second Reading.

Senate bill No. 240. A bill to authorize justices of the peace within their respective counties to administer oaths generally and to

legalize such as may have been administered in good faith and without fraud since the 6th of May, 1853,

Was read a second time, and

Referred to the committee on the judiciary.

On motion by Mr. Heffren,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Slack moved to postpone the consideration of Senate bill No. 90, made the special order for to-day at this hour, until Wednesday next at 10 o'clock, A. M., and make it the special order for that hour.

Which was agreed to.

Leave being granted,

Mr. Blair, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred Senate bill No. 226, "a bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and Missionary boards," approved May 13, 1852, have had the same under consideration and have directed me to report it back with the following amendments, and when so amended to recommend its passage:

Amend the title by striking out "May 13th, 1852," and inserting instead thereof "February 28th, 1855.

Also add the following sections:

SEC. 2. Any church or religious society holding land and property not divided into shares may elect or appoint six or more of its members trustees, according to its rules and usages, which trustees may purchase and hold in trust such property and other property for such purposes, and to receive gifts and donations for the same,

and they shall have such power to manage such institution as is conferred on trustees otherwise provided for in the above entitled act, to which this is a supplement, and they shall be subject to the advice and control of the church or religious society, making their appointment or election, and their term of service shall be as provided in said act.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

Which report was concurred in.

The question being shall the amendments be adopted?

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Anthony moved to suspend the rules and read Senate bill No. 242 a second time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—39.

No Senator voting in the negative.

So the rules were suspended, and

Senate bill No. 242. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe-keeping of public moneys,

Was read a second time by its title and ordered to be engrossed and read a third time on to-morrow.

REPORTS FROM STANDING COMMITTEES.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill

No. 41, "a bill to separate the law books from the State Library and constituting the same as the law library of the State of Indiana, and for the management of the same, and repealing conflicting laws," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage with the following amendments:

Add the following sections:

SEC. 5. Said library shall be kept in some safe and convenient room in Indianapolis. The books shall at all times, within proper hours, be open for the inspection and use of the judges of the several courts and members of the bar and other persons desiring to investigate legal subjects, of this State, but no book shall be taken from the library room.

SEC. 6. Any person taking a book or books from said library contrary to the provisions of this act shall forfeit and pay the sum of ten dollars for each book so taken, the action to be brought in the name of the State of Indiana for the law library.

Which report was concurred in.

The question being shall the amendments be adopted?

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Anthony, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred joint resolution No. 2, having reference to the protested drafts of Allen May and others, together with the resolution "inquiring into the legality and expediency of instituting suits against Wm. R. Nofsinger and all other defaulting officers, as well against the parties to said protested paper," have had the same under consideration and direct me to report, that in the opinion of said committee, the State has her remedy at law against said Nofsinger, on his bond, and against said May, Bright and Drake upon the said protested drafts as collaterals, and that it is both legal and expedient to bring concurrent suits against said Nofsinger on his bond, and against said May and others, upon the drafts aforesaid, and recommend the adoption of the following joint resolution:

Which report was concurred in, and

Senate joint resolution No. 13. A joint resolution instructing the attorney general to bring suit against William R. Nofsinger, Allen May, and Michael G. Bright; against all defaulting officers and

other persons indebted to the State of Indiana as such officers, or on protested bills of exchange, taken as collateral security,

Accompanying the foregoing report, was read.

Mr. Williams moved to amend by striking out the word "resolved" and inserting "enacted" so as to make it a bill instead of a joint resolution,

Which was not agreed to.

Mr. March moved to amend the joint resolution by adding after "William R. Nofsinger," and "Elijah Newland."

Mr. Steele moved to amend the joint resolution by striking out William R. Nofsinger, and all other defaulters," and inserting "all persons indebted to the State of Indiana."

Mr. Studabaker moved to lay the amendment to the amendment on the table.

Which was agreed to.

Mr. Rice moved to amend the amendment by striking out the word "defaulting" where it occurs, and inserting the word "delinquent."

Which was agreed to.

The question being, shall the amendment as amended be adopted?

Which was agreed to.

Mr. March moved to amend the joint resolution by adding to the third section "or from Henry P. Rowan and the Wabash Valley Bank."

Mr. Murray moved to amend the resolution by striking out from the resolving clause and inserting the following:

That the attorney general be and he is hereby authorized and directed to institute suit or suits against all persons who may be indebted to the State, either as public officers or as an individual or individuals, on protested bills of exchange or drafts in the hands of any public officer or for, or on account of deposites made in any bank, to the credit of the State, for any of the funds due the State, either in its own right or as trustee for the swamp land fund.

Mr. Johnston moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Johnston and Carnahan,

Those who voted in the affirmative were,

- Blair, Carnahan, Cobb, Conley, Conner, Craven,

Fisk, Hamilton, Hendry, Johnston, Jones, Kinley, Lomax, McClure, March, O'Brien, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson Turner, Williams and Wilson—26.

Those who voted in the negative were,

Messrs. Bennett, Brown, Green, Hill, Line, Miller, Murray, Odell, Rice, Steele, Stevens and Wagner—12.

So the amendment to the amendment was laid on the table.

Mr. Hendry moved to amend the amendment by adding in the proper place, "also that a suit be brought against Elijah Newland for the sum of $1,960, being the amount of money paid by him from the library fund as interest on $32,000 of the same fund, which could not be paid for libraries to the Harpers & Brothers, at the time it fell due, owing to his having loaned the amount to the Madison, or the Madison and Peru railroad company.

The ayes and noes being demanded by Senators Conner and Hendry.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Cooper, Craven, Culver, Fisk, Green, Hamilton, Hendry, Hill, Johnston, Kinley, Line, Lomax, March, Miller, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson—36.

Those who voted in the negative were,

Messrs. Hargrove, McClure and Williams—3.

So the amendment to the amendment was adopted.

Mr. Studabaker moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
Which was agreed to.

The question then being, shall the amendment be adopted?
It was agreed to.

The question then recurred, shall the joint resolution, as amended, pass?

The ayes and noes were demanded by Senators Conner and Johnston.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson —36.

Those who voted in the negative were,

Messrs. Miller, Murray and Steele—3.

Messrs. Rice and Stevens were present and refused to vote.

So the joint resolution passed.

Leave being granted,
Mr. Slack presented the memorial of D. O. Daily;
Which,
On motion,
Was referred to the committee on claims.

Leave being granted,
Mr. Line, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a memorial asking aid from the State Treasury to promote the interest of the Indiana Historical Society, have had the same under consideration and have unanimously directed me to report the following bill and recommend its passage.

Mr. Line moved to suspend the rules and read the bill accompanying the foregoing report a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hendry, Hill, Jennings, Jones, Kinley, Line, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Hargrove, Johnston, Lomax and McClure—6.

So the rules were suspended, and

Senate bill No. 246. A bill authorizing the Treasurer of State to pay out moneys to aid the Indiana Historical Society, and to provide checks and restrictions in the payment of the same,
Was read a first time by its title.

Mr. Tarkington moved to read the bill a second time now by its title,
Which was agreed to, and
The bill was read a second time.

Mr. Slack moved to consider the bill as engrossed and read the same a third time now.
Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hendry, Hill, Jones, Kinley, Line, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Williams—35.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Hargrove, Johnston, Lomax, McClure, and Wilson—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Williams,
The Senate passed informally over the special order pending at 3 o'clock, P. M., to-day, and

Senate bill No. 178. A bill providing for the election and appointment of supervisors of highways, and prescribing their duties, and those of county and township officers in relation thereto,
Was taken up and read a third time.

Mr. Studabaker moved to recommit the bill to a select committee of three with instructions to amend the bill so as to authorize the assessment of a road tax not exceeding one and one-fourth cents on each acre of taxable lands.

Mr. Hendry moved to amend by further instructing the committee to strike out all that part of the bill which authorizes the county commissioners to do township business.

Mr. Studabaker called for a division of the question.

The question being shall the bill be recommitted to a select committee with the instructions proposed by Mr. Studabaker ?

The ayes and noes were demanded by Senators Studabaker and McClure.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Conner, Cooper, Cravens, Culver, Fisk, Hamilton, Hendry, Hill, Jennings, Jones, Kinley, Line, March, Murray, Odell, Rice, Slack, Steele, Studabaker, Thompson, Turner, Wagner and Wilson—27.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Hargrove, Johnston, Lomax, McClure, O'Brien, Robinson, Shoemaker, Tarkington and Williams—11.

So the bill was recommitted with the proposed instructions.

By leave of the Senate, Mr. Hendry withdrew the motion to amend the instructions.

Mr. Slack renewed the motion.

Mr. Jones moved to further instruct the committee by adding in the proper place :

Provided, That no person shall be required to work more than two days in each year, otherwise than in the payment of taxes on property.

Mr. Tarkington moved to lay the instructions proposed by Mr. Slack on the table.

Which was agreed to.

Mr. Conley moved to lay the instructions proposed by Mr. Jones on the table.

Which was agreed to.

Mr. March moved to further instruct the committee to insert between "of" and "valuation," in the 11th section, where they occur the word "exemption."

Which was agreed to.

Mr. Blair moved to further instruct the committee as follows:

Add to section 14 the following: "And if any person so called out shall refuse to work he shall be liable to pay the commutation money therefor, and it shall be the duty of the supervisors to bring suit for the same, as provided in this act.

Which was agreed to.

The President appointed Senators Studabaker, Williams and Jones said select committee.

Mr. Tarkington moved to postpone the consideration of Senate bill No. 187, "a bill to authorize the bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein," made the special order for to-day at 3 o'clock, P. M., and make it the special order for to-morrow at 10 o'clock A. M.

Which was agreed to.

The President laid before the Senate a communication from H. C. Gooding in reference to his justification in the occurrence in the Senate Chamber on the 15th inst.

Which,

On motion,

Was referred to the select committee having that subject in charge.

On motion by Mr. Line,

The Senate adjourned.

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7 O'CLOCK, P. M.

The Senate met.

The President laid before the Senate the following communication and accompanying abstracts:

INDIANAPOLIS, Feb. 21, 1859.

HON. J. R. CRAVENS,
President of the Senate:

SIR:—In compliance with a resolution adopted by the Senate at the extra session of 1858, I have the honor to transmit herewith abstract showing the amounts audited on account of drainage of swamp lands from November, 1854, to the present time.

I am, very respectfully,
Your obedient servant,
JOHN W. DODD.

Which,
On motion,
Was referred to the committee on swamp lands.

The Senate proceeded to the consideration of Senate bill No. 212, "a bill releasing the right of the State of Indiana to redeem the Wabash and Erie Canal, and granting permission to the Trustees thereof to rent or lease the same and matters properly connected therewith," and pending amendment proposed by Mr. Carnahan made the special order for to-day at 7 o'clock, P. M.

Mr. Slack moved to postpone the further consideration of the bill and pending amendment until to-morrow at 11 o'clock, A. M., and make them the special order for that hour.
Which was agreed to.

The Senate proceeded to the consideration of Senate joint resolution No. 11, "a joint resolution on the subject of the African slave trade, and for purposes of African colonization," made the special order for to-day at 7 o'clock, P. M.

Mr. Jennings moved to postpone the further consideration of the joint resolution, and make it the special order for Wednesday at 2 o'clock, P. M.
Which was agreed to.

On motion by Mr. Line,
The following message from the House were taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed joint resolution thereof, to-wit:

House Joint Resolution No. 14. A joint resolution instructing our Senators and requesting our Representatives to demand rent from the General Government for the use of apartments in the State Capitol occupied by the Federal Courts.

House Joint Resolution No. 4, contained in the foregoing message, was read.

Mr. Line moved to amend the joint resolution by inserting in the proper place:

Provided, however, That if the amount claimed be allowed, or any other amount, the same shall form a part and parcel of the school funds of the State of Indiana, and shall be loaned in the same manner and under the same regulations as other school funds are loaned.

Which was agreed to.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Cooper, Craven, Culver, Fisk, Hamilton, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Turner and Wilson—32.

Those who voted in the negative were,

Messrs. Hargrove, Steele, Stevens and Williams—4.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. March,

Senate bill No. 103. A bill to amend the 49th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855, and to legalize the acts of certain officers in connection therewith,

Was taken up.

Mr. Wilson moved to amend the bill by inserting in the proper place:

"No assignment of a certificate shall be valid unless acknowledged before some officer authorized to take the acknowledgment of deeds or before the county auditor, who shall in all cases record the same.

Assignments of certificates heretofore made before any officer authorized to take the acknowledgment of deeds when recorded shall be valid as if acknowledged before the county auditor."

Which was agreed to.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Cobb, Conner, Cooper, Culver, Green, Hamilton, Hargrove, Johnston, Kinley, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Williams and Wilson—29.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Craven, Fisk, Hendry, Hill, Line, Lomax, Miller and Thompson—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

HOUSE BILLS ON THEIR THIRD READING.

House bill No. 131. A bill to secure dues from private corporations.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—41.

Senator Hamilton voting in the negative.

So the bill passed.

Mr. Shoemaker moved to amend the title by adding thereto, "and

to extend their immunities to all citizens who may organize on the same terms."

Which was agreed to.

Ordered, That the Secretary inform the House thereof.

House bill No. 16. A bill to amend an act entitled "an act to amend the 32d section of "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, approved March 7th, 1857.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—42.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Studabaker, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred Senate bill No. 178, "a bill providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto," and the instructions of the Senate to the committee, have had the same under consideration and have amended the bill in accordance with said instructions.

Which report was concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conley, Cooper, Cravens,

Craven, Green, Hamilton, Hargrove, Jennings, Johnston, Kinley, Line, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—32.

Those who voted in the negative were,

Messrs. Conner, Culver, Fisk, Gooding, Hendry, Hill, Jones, Lomax, Slack and Steele—10.

So the bill passed.

Mr. Murray moved to amend the title by adding thereto, "and matters properly connected therewith."
Which was not agreed to.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Gooding,
The order of business was suspended, and
The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to

House bill No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violations thereof,
Excepting the second amendment in the fifteenth section and the proposed additional section to the bill, in which the House refuses to concur.

Mr. Gooding moved that the Senate insist upon its second amendment to the fifteenth section.

The ayes and noes being demanded by Senators Slack and Conley,

Those who voted in the affirmative were,

Messrs. Blair, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Hendry, Jennings, Johnston, Kinley, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Rice,

Robinson, Shoemaker, Slack, Stevens, Thompson, Williams and Wilson—30.

Those who voted in the negative were,

Messrs. Bennett, Cooper, Cravens, Green, Hill, Jones, Murray, Steele, Studabaker, Tarkington, Turner and Wagner—12.

So the amendment of the Senate was insisted upon.

Mr. Gooding moved to recede from the amendment of the Senate adding an additional section to the bill.

The ayes and noes being demanded by Senators Studabaker and March.

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Jennings, Johnston, Jones, Murray, Odell, Rice, Robinson, Slack, Steele, Studabaker, Wagner, Williams and Wilson—22.

Those who voted in the negative were,

Messrs. Bennett, Blair, Conley, Conner, Cooper, Craven, Hendry, Hill, Kinley, Line, Lomax, McClure, March, Miller, O'Brien, Shoemaker, Stevens, Tarkington, Thompson and Turner—20.

So the Senate receded from its amendmeni.

Mr. Wagner moved to reconsider the vote by which the Senate insisted upon its amendment to the bill.

The ayes and noes being demanded by Senators March and Conley.

Those who voted in the affirmative were,

Messrs. Bennett, Cravens, Green, Hendry, Hill, Jones, Kinley, Murray, Rice, Robinson, Steele, Stevens, Studabaker, Thompson, Turner and Wagner—16.

Those who voted in the negative were,

Messrs. Blair, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Shoemaker, Slack, Tarkington, Williams and Wilson—26.

So the Senate refused to reconsider the vote by which it insisted upon its amendment to the bill.

House bill No. 20. A bill to prevent carrying concealed or dangerous weapons and to provide punishment therefor,"
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Conner, Craven, Green, Hamilton, Hargrove, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson —30.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Cooper, Culver, Fisk, Heffren, Jones, Slack, Studabaker and Tarkington—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No, 27. A bill to authorize plank, macadamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the powers of such consolidated company,
Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner and Wagner—35.

Those who voted in the negative were,

Messrs. Blair, Carnahan, Williams and Wilson—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 28. A bill providing for the use, as evidence, of depositions taken to perpetuate testimony prior to the taking effect of the revised statutes of 1852, and for the publication and recording of depositions heretofore taken or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—37.

Senator Gooding voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 2. A bill regulating the choosing of United States Senators, by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing,

Was read a third time, and

On motion,

Laid on the table.

Senate bill No. 50. A bill to amend the sixteenth section of an act entitled "an act concerning the partition of lands," approved May 20, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens,

Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 51. A bill for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Cobb, Conner, Cooper, Cravens, Craven, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Carnahan, Fisk, Gooding, McClure and Odell—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 53. A bill to authorize county commissioners to award compensation to persons who may bring to justice fugitives from the same,

Was read a third time.

Mr. Studabaker moved to recommit the bill to the committee on finance, with instructions to so amend it as to make the allowance payable out of the treasury of the county.

Mr. Odell moved to amend the instructions so as to require the county board to pay one third of the amount allowed out of the county treasury.

Mr. Bennett moved to lay the motion to recommit with the pending instructions on the table.

Mr. Green called for a division of the question.

The question being, shall the motion to recommit with the instructions proposed by Mr. Studabaker, be laid on the table?

The ayes and noes being demanded by Senators Studabaker and Bennett.

Those who voted in the affirmative were,

Messrs. Bennett, Carnahan, Conner, Cravens, Craven, Hamilton, Hargrove, Hill, Line, McClure, Miller, Murray, Odell, Rice, Steele, Thompson and Wagner—17.

Those who voted in the negative were,

Messrs. Blair, Cobb, Cooper, Fisk, Gooding, Green, Hendry, Johnston, Jones, Kinley, Lomax, March, Miller, Robinson, Shoemaker, Stevens, Studabaker, Turner, Williams and Wilson—20.

So the motion to recommit with the instructions proposed by Mr. Studabaker, was not laid on the table.

The question recurred, shall the instructions proposed by Mr. Odell, be laid on the table.
Which was agreed to.

The instructions proposed by Mr. Studabaker were then adopted.

On motion by Mr. Murray,
The Senate adjourned.

TUESDAY MORNING, 9 o'clock,
February 22, 1859.

The Senate met.

The Journal of yesterday was read.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Williams presented a communication from Dr. John Hughes, on the subject of the disease of "milk sick," its cause and its cure.

Mr. Williams moved its reference to a select committee of five of the Senate belonging to the medical profession.

Which was agreed to.

The President appointed Senators Bobbs, Conley, Cooper, Brown and Fisk said select committee.

On motion by Mr. Brown,

The order of business was suspended, and

House bill No. 249. A bill to change the time of holding the common pleas courts in the counties of St. Joseph, Marshall and Starke,

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

The order of business being suspended,

On motion by Mr. Steele,

Senate bill No. 69. A bill to legalize all bonds and other instruments of writing executed by any assignee of a branch of the State Bank of Indiana and to authorize suits to be brought thereon, and to empower the debtors of any branch to secure the same to the sinking fund,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cooper, Cravens, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner and Williams—32.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Fisk, Shoemaker, Slack and Wilson—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

The order of business being suspended,
On motion by Mr. Kinley,
Senate bill No. 134. A bill providing for the assessment of taxes for township library purposes.
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Fisk, Green, Hamilton, Hendry, Hill, Kinley, Line, McLean, March, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson and Turner—29.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Hargrove, Johnston, Lomax, McClure, Robinson, Williams and Wilson—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

The order of business being suspended,
On motion by Mr. Johnston,
Senate bill No. 101. A bill to authorize county treasurers to assess property which may be omitted by assessors and to legalize assessments heretofore made by treasurers.
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens,

Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 240, "an act to authorize justices of the peace within their respective counties to administer oaths generally and to legalize such as may have been administered in good faith and without fraud since the 6th day of May, 1853," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Studabaker moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cooper, Cravens, Fisk, Green, Hamilton, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the House, by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the

Senate for the signatures of the President and Secretary thereof enrolled bill of the House No. 210.

The President and Secretary signed the bill.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate Bill No. 176, "an act to amend 'an act providing fer the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases,'" approved June 9, 1852, have had the same under consideration and directed me to report it back to the Senate and recommend its indefinite postponement.

The question being shall the report be concurred in?

The ayes and noes being demanded by Senators Conley and Williams,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Cobb, Conner, Culver, Green, Hendry, Lomax, McLean, Miller, O'Brien, Rice, Slack, Stevens and Studabaker—16.

Those who voted in the negative were,

Messrs. Beeson, Brown, Carnahan, Conley, Cooper, Fisk, Hamilton, Hargrove, Hill, Johnston, Jones, Kinley, Line, McClure, March, Odell, Robinson, Shoemaker, Steele, Tarkington, Thompson, Turner, Williams and Wilson—24.

So the bill was not indefinitely postponed as recommended by the committee.

Mr. Johnston moved to recommit the bill to the committee on the judiciary with instructions to so amend the bill as to give justices of the peace jurisdiction upon promissory notes and other agreements in writing for the payment of money in any sum not exceeding two hundred dollars.

Mr. Slack moved to amend the instructions so as to allow an appeal from a justice of a peace to the township trustee.

On motion by Mr. Conley,
The amendment was laid on the table.

Mr. Williams moved to amend the instructions so as to give exclusive jurisdiction to justices of the peace in all actions where the sum demanded does not exceed one hundred dollars.

Mr. Green demanded a division of the question.

The question being shall the bill be re-committed with the instructions proposed by Mr. Johnston.
Which was agreed to.

The question recurred shall the instructions proposed by Mr. Williams be adopted.
Which was not agreed to.

Mr. Slack presented the claim of John Shea, praying an additional allowance for carrying the mails for the Senate at its extra session of 1858,
Which,
On motion,
Was referred to the committee on claims.

SPECIAL ORDER.

The hour having arrived the Senate proceeded to the consideration of Senate bill No. 187, "a bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein," and pending amendment, made the special order for to-day at 10 o'clock, A. M.

Mr. Rice moved to postpone the further consideration of the special order until 2 o'clock, P. M., to-day, and make it the special order for that hour.
Which was agreed to.

Mr. Cooper, from the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

The committee on benevolent institutions to whom was referred Senate bill No. 67, "a bill requiring the superintendents of the various asylums to report the number of patients who are the offspring of parents married within the degrees of consanguinty," have had the same under consideration and direct me to report it back to the Senate and recommend its passage.
Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Hargrove, from the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

The committee on benevolent institutions to whom was referred Senate bill No. 52, "a bill to provide a site and plan for a State House of Refuge for juvenile offenders," have had the same under consideration and direct me to report the same back and say that in the opinion of the committee legislation on the subject is inexpedient at this time.

Which report was concurred in.

Mr. O'Brien, from the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

The committee on benevolent institutions to whom was referred Senate bill No. 58, "a bill to amend the 14th section of an act entitled 'an act for the government of the insane, and the care of the insane of Indiana," have had the same under consideration and direct me to report the following amendment, and when so amended recommend its passage:

Amend section 14, question 6, by adding after the word "blood,' "and what is the relationship."

Which report was concurred in.

The question being, shall the amendments be adopted?

Which was agreed to and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Cravens, chairman of the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

The committee on benevolent institutions to whom was referred a resolution instructing said committee to report a bill, if deemed expedient, providing for the erection of an additional wing to the Hospital for the Insane, have had the same under consideration and direct me to report that they it deem inexpedient to legislate on the subject at this time, inasmuch as the finances of the State are embarrassed.

Which report was concurred in.

Mr. Shoemaker, from the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business to whom was re-

ferred Senate bill No. 214, "a bill to amend section 18 of an act entitled "an act providing for the election of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," have had the same under consideration and have directed me to report the same back to the Senate and recommend that it be laid on the table.

Which report was concurred in.

Mr. Stevens, chairman of the committee on printing, made the following report:

MR. PRESIDENT:

The committee on printing to whom was referred the resolution of the Senate, introduced by the Senator from Allen; the preamble and resolution introduced by the Senator from Floyd, and sundry petitions of a number of the citizens of the State, presented to the Senate at different times, have had the same under consideration and have directed me to report the same back to the Senate and recommend that they severally lie on the table.

Which report was concurred in.

REPORTS FROM SELECT COMMITTEES.

Mr. Studabaker, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 25, "a bill to provide for the redemption or purchase of the Bank bonds and Indiana and other State stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith," have had the same under consideration and have directed me to report the same back and recommend the adoption of the folfollowing amendments, and when so amended they recommend the passage of the bill:

Amend sec. 5 by inserting after the word "cancelled," the words, "the amount thereof and the amount paid for the same."

Add the following section:

SEC. 15. All laws not inconsistent with this act in regard to the sinking fund or giving powers to or prescribing the duties of the sinking fund commissioners, their officers, clerks, agents and servants, or prescribing punishments against them for malfeasance in office that were in force on the day preceding the 18th day of January, 1859, are hereby declared to be in full force and to apply to the present board of sinking fund commissioners and its officers, clerks,

agents and servants, but all such laws as are inconsistent with this act are hereby repealed.

Which report was concurred in.

The question being, shall the amendments proposed by the committee be adopted?

It was agreed to.

Mr. Bobbs moved to amend the bill by adding the following:

SEC. 16. When it is ascertained that there has been a loss it shall be the duty of the county commissioners to pass an order on the county treasurer for the amount so lost.

Which was agreed to.

Mr. Studabaker moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Culver, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Line, Lomax, McClure, McLean, March, Murray, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—33.

Those who voted in the negative were,

Messrs. Bennett, Bobbs, Cravens, Jones, Kinley, O'Brien, Rice, Steele, Stevens and Wagner—10.

So the bill passed.

On motion by Mr. Studabaker,

The title of the bill was amended so as to read as follows:

"A bill for the investment, distribution and safe-keeping of funds arising from the 113th and 114th sections of "an act establishing a State bank," approved January 28th, 1834, and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named."

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER.

The hour having arrived the Senate proceeded to the consideration

of Senate bill No. 212, "a bill releasing the right of the State of Indiana to redeem the Wabash and Erie Canal, and granting permission to the Trustees thereof to rent or lease the same, and matters properly connected therewith," and the motion of Mr. Carnahan to concur in the report of the judiciary committee on the same, with an amendment striking the 5th section from the bill, made the special order for to-day at 11 o'clock, A. M.

Pending the consideration of the special order,
On motion by Mr. Rice,
The Senate adjourned.

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2 o'clock, p. m.

The Senate met.

Leave being granted,
Mr. McLean presented the remonstrance of the members of the bar of the county of Vigo against the repeal of the law establishing the court of common pleas;
Which was referred to the committee on the judiciary.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

House bill No. 220. An act to create the fifteenth judicial circuit.

The Senate resumed the consideration of the special order pending at adjournment.

After spending a short time in the consideration thereof, the Senate proceeded to the consideration of the following special order, to-wit:

SPECIAL ORDER.

Senate bill No. 187. A bill to authorize the bank of the State of Indiana to lay off and create six additional bank districts, and to

locate and establish branches therein, and the pending amendment proposed by Mr. March thereto, made the special order for to-day at 2 o'clock, P. M.

Mr. Bennett moved to lay the amendments proposed by Mr. March as additional sections to the bill on the table.

Mr. Studabaker called for a division of the question.

The question being, shall the proposed amendment be laid on the table?

The ayes and noes were demanded by Senators Studabaker and Conley.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Conner, Cooper, Culver, Green, Hamilton, McLean, Rice, Steele, Stevens, Tarkington, Turner, and Wagner—16.

Those who voted in the negative were,

Messrs. Anthony, Bobbs, Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Thompson, Williams and Wilson—27.

So the first section of the amendment was not laid on the table.

The question was then put, shall the second amendment proposed by Mr. March by laid on the table.

The ayes and noes were demanded by Senators Conley and Gooding,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cooper, Cravens, Culver, Green, Hamilton, Heffren, Hill, Johnston, McLean, Murray, Odell, Rice, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—24.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Hendry, Jennings, Jones, Kinley, Lomax, McLean, March, Miller, O'Brien, Robinson, Shoemaker, Slack, Williams and Wilson —21.

So the second section of the amendment was laid on the table.

The question was then put, shall the third section of the proposed amendment be laid on the table.

The ayes and noes were demanded by Senators Tarkington and March.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Culver, Green, Hamilton, Hill, Johnston, McLean, Murray, Odell, Rice, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—24.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Hendry, Jennings, Jones, Kinley, Lomax, Line, McClure, March, Miller, O'Brien, Shoemaker, Slack, Studabaker, Williams and Wilson —21.

So the third section of the amendment was laid on the table.

Mr. Bennett moved to amend the third amendment by striking out the words "together with the amount of its circulation, over and above their capital stock."

Pending the consideration of which,
On motion by Mr. Murray,
The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock,
February 23, 1859.

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate a communication from H. Prather on the subject of extending the time for the payment of taxes.

On motion,
The communication was referred to the committee on finance.

Mr. Heffren presented the claims of Jos. S. McDowell, D. C. Shanks and J. L. Menaugh for services rendered to the bank fraud committee.
Which,
On motion,
Was referred to the committee on claims.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof, enrolled bills of the House Nos. 16, 20, 27, 249.

The President and Secretary signed the bills.

REPORTS FROM STANDING COMMITTEES.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 213, "a bill to amend sections 50, 65 and 66 of an act entitled "an act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,' approved June 17, 1852," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage with the following amendments:

Strike out all after the amending clause in the second section and insert the following: "the clerk of the proper court shall make out a list of all claims filed against any estate, and the executor or administrator may at any time examine the same, and if in his opinion they are valid and just, he may admit the same, or any part thereof, and all claims not thus admitted ten days prior to the second term of such court, after the filing of said claims, shall be transferred to the appearance docket of such court, in the order in which the claims are filed, and shall stand for trial at such term, and such trial shall in all respects be governed by the rules regulating the trials of similar actions in the circuit court; but no execution shall at any time issue upon any such allowance made, or judgment rendered, nor shall any claim be allowed after final settlement, but such allowance shall

have the same force in any court of competent jurisdiction in any suit thereafter instituted touching it, and may be given in evidence in the same manner as judgments at law."

Strike out the third section and insert section third. Section sixty-six of the above entitled act is hereby repealed.

Add the following additional section:

SEC. —. All final reports, and reports of accounts current made by administrators, shall be filed with the clerk at least ten days before the first day of the term of the court, and shall be examined by the clerk, and if found correct, he shall certify therein that he has examined the account and found the same correct. Any account so certified may be received by the court, without further examination, unless objection be made thereto, except that the court must decide upon all allowances to the administrator, or to any other person not admitted by the administrator."

Which report was concurred in.

The question being, shall the amendments be adopted?

Which was agreed to, and

The bill ordered to be engrossed and read a third time on to-morrow.

Mr. Rice, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 233, "a bill to regulate the fees of officers and repealing former acts in relation thereto," have had the same under consideration and have directed me to report it back with the following amendments, viz:

Strike out line 21 in section 2, and insert "entering on dockets each term 15 cents."

Strike out "$1.25," and insert "$1.00," at the end of line 35 of the same section.

Strike out all that part of section 9, which allows county treasurers one and one-half per cent. for paying out all money in the redemption of county orders, and when so amended they recommend the passage of the bill.

Which was concurred in.

The question being, shall the amendments be adopted?

Which was agreed to.

Mr. Studabaker moved to amend by adding in the proper place, "except that in counties where the fees of the sheriff do not exceed $800, the county commissioners may make such additional allowance for extra services as may appear just."

Which was not agreed to.

Mr. Gooding moved to amend section eight, by providing that no county auditor shall be allowed out of the county treasury one thousand dollars per annum.

Mr. Tarkington moved to lay the amendment on the table.
Which was agreed to.

Mr. Slack moved to lay the bill on the table.

The ayes and noes were demanded by Senators Slack and Studabaker.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Culver, Fisk, Hargrove, Hendry, Jones, Lomax, McClure, Miller, O'Brien, Slack and Thompson—14.

Those who voted in the negative were,

Messrs. Anthony, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Gooding, Green, Hamilton, Jennings, Johnston, Kinley, Line, March, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Turner, Wagner, Williams and Wilson—28.

So the bill was not laid on the table.

Mr. March moved to amend the bill by adding to the first section as follows:
"A complete record shall not be made in any case in the supreme court, unless requested by one or both parties, and shall be paid for by the party requesting it; if made at the request of both parties, it shall be paid for by both, in equal proportions and taxed with the other costs."
Which was agreed to.

Mr. Gooding moved to amend section 8 by requiring county auditors to file with the board of county commissioners a written statement, subscribed under oath, giving a detailed account of all services for which he asks an allowance.

Mr. Heffren moved to lay amendment on the table.

The ayes and noes were demanded by Senators Jennings and Gooding.

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Conner, Cooper, Culver, Hargrove, Heffren, Hill, McLean, Odell, Slack, Stevens, Tarkington, and Williams—16.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Cobb, Conley, Fisk, Gooding, Green, Hamilton, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Studabaker, Thompson, Turner and Wilson—27.

So the amendment was not laid on the table.

Mr. Hamilton moved to reconsider the vote by which the Senate refused to lay the amendment on the table.
Which was agreed to.

The question recurred, shall the amendment be laid on the table?
Which was not agreed to.

Mr. Williams moved to amend the amendment by adding "sheriffs and clerks."
Which was agreed to, and
The amendment, as amended, was adopted.

Mr. Tarkington moved to amend the bill by adding:
SEC. —. Such commissioners shall annually allow the clerk of the circuit court and sheriff an annual compensation for all extra services as such, not exceeding two hundred dollars each; but such allowance shall not be made to any such officer until he shall file a detailed statement of his charge, with items and dates, to the truth of which he shall take and subscribe an oath; which allowance shall be in discharge of all compensation for all extra and other services where no certain fee is fixed by law, which may be allowed quarterly.

Mr. Heffren moved to lay the bill and pending amendment on the table for the purpose of taxing up Senate bill No. 192.

The ayes and noes being demanded by Senators Heffren and Murray,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Cravens, Culver, Fisk, Green, Heffren, Hendry, Lomax, McClure, Murray, Odell, Steele and Stevens—16.

Those who voted in the negative were,

Messrs. Anthony, Brown, Carnahan, Cobb, Conner, Cooper, Gooding, Hamilton, Hargrove, Jennings, Johnston, Kinley, Line, McLean, March, Miller, O'Brien, Rice, Robinson, Shoemaker, Slack, Studa-

baker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—28.

So the bill and pending amendment was not laid on the table.

Mr. Green moved to amend the pending amendment by placing witnesses in State cases on the same footing.

On motion by Mr. Murray,
The amendment to the amendment was laid on the table.

The amendment was then adopted.

Mr. Johnston moved to amend the bill by adding:
SEC. —. The board of commissioners of each county shall furnish the necessary records for the county auditor, treasurer and recorder, and for the clerks of the circuit and common pleas court of their respective counties, at the expense of such county, and shall also provide safe and suitable offices for such officers.
Which was agreed to.

The bill was ordered to be engrossed and read a third time on tomorrow.

On motion by Mr. Gooding,
The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists in not concurring in the thirteenth specification of the engrossed amendments to

House bill No. 29. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violations thereof,
And have appointed Messrs. Murray, Mansfield and Dougherty a committee of free conference on the part of the House to act with a like committee on the part of the Senate to consider said specification.

Mr. Gooding moved to appoint a committee of free conference on the part of the Senate.
Which was agreed to.

The President appointed Senators Gooding, Murray and McLean said committee.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 16. A bill to amend an act entitled "an act to amend the 32d section of "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, approved March 7th, 1857.

House bill No. 20. An act to prevent carrying concealed and dangerous weapons, and to provide punishment therefor.

House bill No. 249. An act to change the time of holding the common pleas court in St. Joseph, Marshall and Starke counties, and providing the length of the terms therein.

House bill No. 29. An act to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the powers of such consolidated company.

Mr. Blair moved to reconsider the vote by which Senate bill No. 213 was ordered to be engrossed.
Which was agreed to.

On motion by Mr. Blair,
The bill was recommitted to the committee on the judiciary.

Mr. Conley, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 6, "a bill to provide for the safe-keeping and disbursing of the public revenues of the counties and State, and fixing the salary of the Treasurer of State," have had the same under consideration, and have directed me to report it back to the Senate and recommend that it lie on the table.
Which report was concurred in.

Mr. Conner, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 210, "a bill to repeal an act to amend an act entitled 'an act defining misdemeanors and prescribing punishment therefor,' approved June 14th, 1852, and to revise section twenty-eight of the 'act defining misdemeanors and prescribing punishment therefor,' approved June 14th, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Slack, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 229, "a bill to provide for the infliction of punishment where more than one conviction has been had against the same person, at one term of any of the courts of the State, for a violation of any of the criminal laws thereof," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Rice, from the committee on the judiciary, made the following report.

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 234, "a bill to prevent betting on elections, and providing punishment for the same," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it lie on the table, as no further legislation is required on the subject-matter of said bill.

Which report was concurred in.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 207, "A bill relative to the salary of the judges of the supreme and circuit courts, and of the prosecuting attorneys of the several

judicial circuits, and the manner of reimbursing the State against the expenses of the judiciary," have had the same under consideration and have directad me to report the same back to the Senate and recommend its passage.

Mr. Heffren moved to lay the report on the table.

Mr. Carnahan moved to amend the motion so as to lay the report and bill on the table.

Mr. Heffren called for a division of the question.

The question was then put, shall the report be laid on the table.

The ayes and noes were demanded by Senators McLean and Johnston.

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Johnston, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner and Wilson—34.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Gooding, Hamilton, Hill, Jones, Kinley, McLean, Tarkington, Wagner and Williams—11.

So the report was laid on the table.

The question then recurred, shall the bill be laid on the table.

The ayes and noes were demanded by Senators McLean and Johnston,

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Fisk, Hargrove, Johnston, Jones, Lomax, McClure, Rice, Robinson, Shoemaker, Stevens, Thompson and Wilson—20.

Those who voted in the negative were,

Messrs Beeson, Bennett, Conner, Culver, Gooding, Green, Hamilton, Heffren, Hill, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Slack, Steele, Studabaker, Tarkington, Turner, Williams and Wagner—24.

So the bill was not laid on the table.

Mr. Murray moved to amend the bill by striking out all after the first section.

Which was agreed to.

Mr. Williams moved to amend the bill by striking out "$1,800" for supreme judges and inserting "$1,500;" strike out "$1,500" and insert "$1,200" for circuit judges.

The ayes and noes were demanded by Senators Johnston and Line,

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Carnahan, Cobb, Conley, Conner, Cooper, Fisk, Green, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, O'Brien, Robinson, Shoemaker, Thompson, Turner, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Brown, Cravens, Culver, Gooding, Hamilton, Heffren, McClure, McLean, Miller, Murray, Odell, Rice, Slack, Steele, Stevens, Studabaker, Tarkington, and Wagner—20.

So the amendment was adopted.

Mr. Murray moved to amend the bill by striking out "$1,200" for circuit judges and inserting "$1,300."

Which was agreed to.

Mr. Miller moved to amend the bill by striking out "$500" for circuit prosecuting attorneys and inserting "$300."

Which was not agreed to.

Mr. Williams moved to amend by adding in the proper place:

"And shall pay for all services to any attorneys that may be employed to perform services in his absence out of his salary, and no allowance shall be made by the court for any such services out of the State or county treasury."

On motion by Mr. Gooding,

The amendment was laid on the table.

Mr. Conner moved to amend the bill by providing a salary of $200 for the district attorneys.

Mr. McLean moved to lay the amendment on the table.

Which was agreed to.

Mr. McLean moved to consider the bill as engrossed and read the same a third time now.

The ayes and noes were demanded by Senators McLean and Carnahan.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Conner, Culver, Gooding, Green, Hamilton, Hill, Line, McLean, March, Murray, Odell, Rice, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Anthony, Bobbs, Carnahan, Cobb, Conley, Cooper, Craven, Fisk, Hargrove, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, Miller, O'Brien, Robinson, Shoemaker and Thompson—21.

So the bill was considered as engrossed, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conner, Culver, Gooding, Green, Hamilton, Hendry, Hill, Kinley, McLean, March, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner and Williams—28.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Conley, Cooper, Craven, Fisk, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, Miller, Robinson, Shoemaker and Tarkington—19.

So the bill passed.

On motion by Mr. McLean,
The title was amended by striking out the words "and the manner of reimbursing the State against the expense of the judiciary."

Ordered, That the Secretary inform the House thereof.

Mr. Slack, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill

No. 201, "a bill to require surviving partners to give bond, file inventories, and make report of their proceedings to the court having jurisdiction of decedents estates," have had the same under consideration and direct me to report the same back to the Senate with the following amendments, and when so amended to recommend its passage:

First. Strike out from the first section and insert the following:

SEC. 2. Such surviving partner or partners, within sixty days after such death, shall proceed to make a full, true and complete inventory of the estate, goods, chattels, rights, credits, moneys and effects within his or their knowledge, and shall cause the same to be appraised by two competent freeholders or householders of the neighborhood, one of whom shall be selected by the surviving partner or partners, and the other by the clerk of the court of common pleas, making a full and complete schedule thereof, which said schedule and appraisement shall be sworn to by said appraisers before the clerk of the court of common pleas, specifying in their affidavit that the property described in said schedule is appraised at its true cash value, which schedule shall by said appraisers be filed in the office of the clerk of the court of common pleas, immediately after the completion thereof.

SEC. 3. It shall be the duty of such surviving partner or partners, immediately upon the filing of said schedule of appraisement, to file with the clerk of the court of common pleas his or their affidavits, that the schedule filed by said appraisers contains a full, true and complete list of all the property, rights, credits, moneys and effects belonging to said firm, and at the same time shall file a full, true and complete list of all the liabilities of said firm, at the time of the death of said deceased partner, to which said list of liabilities, said surviving partner or partners, shall also append his or their affidavit testifying to the correctness thereof.

Which report was concurred in, and amendment adopted.

Mr. Conley moved to consider the bill as engrossed and to read the same a third time now.

Which was agreed to, and

The bill was read a third time.

Mr. Murray moved to amend the bill by inserting in the affidavit at the proper place "and also the interest of the decedent in said partnership."

Which was unanimously adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk,

Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson—45.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Slack moved to amend the title so as to read as follows: "A bill to require surviving partners to file inventories and appraisements in the clerk's office of the court of common pleas, and report the liabilities of the firm."

Which was agreed to.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 230, "a bill to dispense with the selecting and summoning a petit jury for any court of common pleas, where the business does not require it," have had the same under consideration and have directed me to report the same back to the Senate and recommend that it lie on the table.

Which report was concurred in.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 48, "an act to repeal an act to provide for the election, fixing the compensation, and prescribing the duties of attorney general of the State of Indiana," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Anthony, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 182, "a bill to provide for an organization of circuit courts, the election of judges thereof, and defining their duties and powers, and matters properly connected therewith," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage:

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

SPECIAL ORDER.

The hour having arrived the Senate proceeded to the consideration of Senate joint resolution No. 11, "a joint resolution on the subject of the African slave trade and African colonization," made the special order for to-day at 11 o'clock, A. M.

Mr. Murray moved to postpone the further consideration of the special order until this evening, at 7 o'clock, P. M., and make it the special order for that hour.

Which was agreed to.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 115, "a bill to amend 327th section of article 18 of chapter 1, Revised statutes of 1852, of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage with the following amendments:

Strike out all after section 327 on the 2d page, and insert the following:

Whenever requested by either party the court or some person under its direction shall take notes of all the evidence in the order it is introduced. The judge shall sign the notes and certify that they contain all the evidence given in the case. A reasonable allowance may be made by the court taking the evidence in proportion to the time employed, not exceeding two dollars per day, to be taxed and paid with the other costs in the case. The notes of evidence shall

be filed and preserved with the other papers, subject to the inspection and use of both parties.

On motion by Mr. Jones,
The report and bill were laid on the table.

Mr. Cobb, from the committee on corporations, made the following report:

Mr. President:

The committee on corporations, to whom was referred Senate bill No. 103, "a bill to authorize county boards in certain cases to hear and determine complaints against plank, gravel, turnpike and McAdamized roads, and to declare their charter forfeited," have had the same under consideration and have directed me to report the same back with the following amendment, and when so amended recommend its passage:

Strike out after the enacting clause and insert the following:

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter whenever any gravel, turnpike, McAdamized or plank road, shall be suffered to get and remain out of repair for a longer period of time than would be required to make the necessary repairs with a reasonable force, the season of the year and other equitable circumstances considered, the corporation or company, owner or owners of such road, shall not be entitled to receive and collect toll upon such road, or upon so much of the same as is out of repair, while the same shall remain out of repair, and shall be lawful in any suit for the collection of toll, or any penalty for failure to pay such toll, for the defendant to plead such want of repair in bar of said suit.

Sec. 2. In all cases where any road specified in the above section shall be suffered to get and remain out of repair so as to be inconvenient for the public travel for the space of six months or more, at any one time, and if the same is not being repaired, it shall be lawful for any voter of any county through which the road or any part thereof may run, to file a complaint with the clerk of the court, verified by his oath or affirmation, setting forth that the road, (describing it,) or so much of the same as lies within the county in which he resides, is out of repair, and has so been for the last six months, and that the same is not being repaired, and that he has no good reason to believe that such repairs will be speedily made.

The clerk with whom such complaint may be filed shall issue a notice setting forth all the material allegations alledged in the complaint, also state at what term of the court the complaint will be heard, whether in the common pleas or circuit court, at the option of the complainant, which notice shall be served by the sheriff of the

county on the president or secretary or treasurer of the corporation or company, or upon one of the board of directors, or upon the person or persons owning such road, at least ten days prior to the term of the court to try the same, if such defendant or defendants shall reside within the county; and if neither of such defendants shall reside within the county, then the clerk shall cause such notice to be published in some newspaper of the county at least three weeks prior to the term of the court to try the same, and if there be no newspaper published in the county, then the same shall be published in the paper published nearest thereto.

SEC. 4. The complainant and defendant or defendants may have the necessary process for any witness or witnesses to testify in the case.

SEC. 5. The court before whom any case under the provisions of this act may be heard, shall, after hearing all the proofs and allegations, and being fully advised as to all the material facts of the case, declare, if in the opinion of the court or jury trying the same, the road has been suffered to get and remain out of repair so as to come within the purview of the second section of this act, that all the right and immunities which the defendant or defendants may have by virtue of any charter granted or under any act of incorporation of this State, forfeited; *Provided however*, Such forfeiture shall only apply to so much of said road lying within such county, as has been proven to be out of repair as set forth in the second section of this act: *And be it further provided*, That in all cases where the court or jury shall declare a forfeiture under the provisions of this act, such forfeiture shall in no wise effect any right, contract, suit or liability which existed prior to such forfeiture, but the same shall have the same force and effect as though such forfeiture had never been decreed.

SEC. 6. Whenever any forfeiture of chartered or incorporated rights shall be declared under the provisions of this act, it shall be held to be a vacation of so much of said road as may be declared forfeited: *Provided*, The grounds upon which such road was located was not a public highway prior to the location of such road; in which case the same shall be deemed a public highway and be worked as all other highways.

SEC. 7. In all cases under the provisions of this act where either party feel aggrieved by the judgment of the court, shall have the right of appeal to the supreme court as in ordinary civil cases.

SEC. 8. The court, in all suits under the provisions of this act, shall order the costs necessarily accrued therein to be paid in whole or in part by such party, as justice shall require.

SEC. 9. All laws inconsistent with the provisions of this act are hereby repealed.

Which report was concurred in.

The question being, shall the amendments proposed by the committee be adopted?

It was agreed to,

Mr. Cobb moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper. Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Wilson—39.

Those who voted in the negative were,

Messrs. Hamilton, McClure, Studabaker and Williams—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Cobb moved to amend the title of the bill so as to read as follows:

A bill to prohibit the collection of tolls on gravel, turnpike, McAdamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith.

Which was agreed to.

On motion by Mr. Heffren,

Senate bill No. 2. A bill regulating the choosing of United States Senators, by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing,

Was taken from the table and placed on the files.

Leave being granted,

Mr. Murray introduced

Senate bill No. 247. A bill fixing the compensation of Governor of the State and members of the General Assembly.

Which was read a first time, and passed to a second reading on tomorrow.

Leave being granted,
Mr. Bobbs introduced

Senate bill No. 248. A bill to amend section 26 of an act entitled "an act to provide for the opening, vacating and changes of highways," approved June 17, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,
Mr. Line offered the following resolution:

Resolved, That when the Senate adjourns this afternoon it stands adjourned until to-morrow at 9 o'clock, A. M.
Which was not agreed to.

On motion by Mr. Turner,
The Senate adjourned.

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2 o'clock, p. m.

The Senate met.

On motion by Mr. Tarkington,

Senate bill No. 187. A bill to authorize the bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein.
Was taken up.

Mr. Gooding demanded a call of the Senate.

The Secretary proceeded with the call,
Whereupon the following Senators answered to their names:

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien,

Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—44.

Mr. Jennings was excused from a further call.

Mr. Heffren moved that the absentees be sent for.
Which was agreed to.

On motion by Mr. Heffren,
The further call of the Senate was dispensed with.

By leave of the Senate,
Mr. Bennett withdrew the amendment proposed by him on yesterday to the pending amendment proposed by Mr. March.

Mr. Studabaker moved to strike out the pending amendment of March and insert the following:

The capital stock of said bank shall be subject to the same rate of taxation for State and county purposes as the property or stock of other monied corporations, and the real estate and other property of said bank and branches, situated in any city or town, shall be taxable for municipal purposes in the same manner as other property so situated, but the capital stock of said bank or branches shall not be taxable for municipal purposes," be and the same is amended to read as follows:

The capital stock and real estate of said bank and branches shall be subject to the same rate of taxation for State, county and all other purposes as the capital or property of individuals are taxed, which taxes shall be paid by the bank or branches.

The ayes and noes being demanded by Senators Line and Cobb,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conley, Conner, Cooper, Cravens, Culver, Green, Hamilton, Heffren, Hill, Johnston, Jones, Line, McLean, Murray, O'Brien, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner and Williams—30.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Craven, Fisk, Gooding, Hargrove, Hendry, Kinley, Lomax, McClure, March, Miller, Robinson, Slack, Turner and Wilson—17.

So the amendment was adopted.

On motion by Mr. Studabaker,
Mr. Wallace was granted leave of absence on account of sickness.

Mr. Wagner moved to consider the bill as engrossed and to read the same a third time now.

Mr. Wagner moved the previous question.
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question then being shall the bill be considered as engrossed and read a third time now.
The ayes and noes being demanded by Senators McClure and Cobb.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conley, Conner, Cooper, Cravens, Culver, Green, Hamilton, Heffren, Hill, Johnston, Jones, McLean, Murray, Odell, Rice, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—26.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Craven, Fisk, Gooding, Hargrove, Hendry, Kinley, Lomax, McClure, March, Miller, O'Brien, Robinson, Slack, Williams and Wilson—18.

So the bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cooper, Cravens, Culver, Green, Hamilton, Heffren, Hill, Johnston, Jones, Murray, Odell, Rice, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—24.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Hargrove, Hendry, Kinley, Lomax, McClure, March, Miller, O'Brien, Robinson, Slack, Williams and Wilson—19.

So the bill did not pass.

On motion by Mr. Heffren,

Senate bill No. 192. A bill regulating the public printing of the

State of Indiana, and fixing the compensation therefor, and prescribing the duties of certain officers therein named.

Was taken up and read a third time.

Mr. Studabaker moved to recommit the bill to a select committee of five with instructions to so amend the bill as to continue the office of State printer and to so graduate the fees as to give a fair and just compensation for the labor necessarily done, but not an extravagant one.

Mr. Heffren moved to lay the motion to re-commit with instructions on the table.

The ayes and noes were demanded by Senators Cobb and Conley.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Craven, Culver, Green, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, March, Murray, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—28.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jones, Line, McLean, Miller, Shoemaker, Slack, Studabaker, Williams and Wilson—16.

So the motion to recommit with instructions was laid on the table.

Mr. Studabaker moved to recommit the bill with instructions to strike out section ten of the bill.

Mr. Slack moved to amend the motion to recommit so as to let the superintending of the printing, boxing and distributing. of the laws to the lowest bidder.

Mr. Murray moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

Which was agreed to.

The question being, shall the bill be recommitted with pending instructions?

The ayes and noes being demanded by Senators Slack and McLean,

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Line,

Lomax, McLean, March, Miller, Shoemaker, Slack, Studabaker, Williams and Wilson—16.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Jones, Kinley, McClure, Murray, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—29.

So the bill was not recommitted with the proposed instructions.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, March, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Williams—31.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Jones, Line, McLean, Miller, Slack, Studabaker, and Wilson—14.

So the bill passed.

On motion by Mr. Heffren,
The title was amended so as to read as follows:

A bill to provide for the letting out to the lowest bidder the public printing, binding, and all other work connected therewith, to abolish the office of State Printer, and making the Secretary of State *ex-officio* superintendent of public printing and repealing all laws conflicting therewith.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Conner,

Senate bill No. 212. A bill releasing the right of the State of Indiana to redeem the Wabash and Erie Canal, and granting permission to the Trustees thereof to rent or lease the same, and matters properly connected therewith,
Was taken up.

Pending the consideration of which,
Mr. Conner presented the following communication:

OFFICE OF ATTORNEY GENERAL,
February 23d, 1859.

HON. J. D. CONNER:

DEAR SIR:—Your note of the 22d, enclosing Senate bill No. 212, having reference to the Wabash and Erie Canal, has been received.

I do not believe that the State is under any legal or moral obligation to resume the debt canceled by the transfer of the canal; and, at your request, I have carefully examined the bill in question, and can find nothing in its provisions that in my judgment can be construed into a recognition on the part of the State of any such liability; but on the contrary the bill is carefully guarded against any such inference or presumption.

If the Trustees are relieved of the burthen of maintaining the bridges over the canal, then they must be kept up, if at all, by the several counties through which the canal passes, as other highways are maintained.

Respectfully yours,
J. E. McDONALD,
Attorney General.

Mr. Line moved to amend the amendment by adding to section five, after the word "canal," the following:

Provided, however, That if any person, or persons or corporation shall take possession of said canal, with a view of keeping up the same, shall fail to keep up the bridges across said canal, then and in that case the State of Indiana shall not be bound to pay either directly or indirectly from the State treasury any money to build or repair any of the bridges across said canal.

Pending the consideration of which,
On motion by Mr. Heffren,
The Senate adjourned.

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7 O'CLOCK, P. M.

The Senate met.

Leave being granted,
Mr. Lomax, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 205, "a bill to repeal all laws now in force establishing the time of holding courts in the common pleas district composed of the counties of Washington, Harrison, Orange and Crawford, and to fix the time of holding said courts," have had the same under consideration and direct me to report the same back and recommend its passage with the following amendments to section 3 of said bill.

Strike out section 2 and insert the following:

SEC. 2. The courts in the district aforesaid shall be held as follows, to-wit: In the county of Washington on the third Monday of January, April, July and October; in the county of Orange on the first Monday of February, May, August and November; in the county of Harrison on the third Monday of February, May, August and November; in the county of Crawford on the second Monday of March, June, September and December. The court in the counties of Washington, Harrison and Orange two weeks each, if the business so require it, and in the county of Crawford one week if the business so require it.

Which report was concurred in.

The question being shall the amendments be adopted?

It was agreed to.

Mr. Heffren moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Williams and Wilson—40.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER.

The hour having arrived the Senate proceeded to the consideration of Senate joint resolution No. 11, "a joint resolution on the subject of the African slave trade, and for purposes of African colonization," made the special order for this evening at 7 o'clock, P. M.

Mr. Kinley moved to amend the joint resolution by striking out the following words: "And also relieving us of a population, which although with us, can never be of us in political and social rights."

Mr. McLean moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
Which was agreed to.

The question being, shall the amendments be adopted?

The ayes and noes being demanded by Senators Studabaker and Heffren,

Those who voted in the affirmative were,

Messrs. Bobbs, Green, Hendry, Hill, Jones, Kinley, March, Murray, Thompson and Turner—10.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Blair, Brown, Carnahan, Cobb, Cooper, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Wagner, Williams and Wilson—33.

So the amendment was not adopted.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anthony, Brown, Carnahan, Cobb, Cravens, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Turner, Williams and Wilson—30.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Cooper, Culver, Green, Hendry, Hill, Murray, Stevens, Thompson and Wagner—13.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Gooding, from a committee of free conference, made the following report:

MR. PRESIDENT:

The committee of free conference, to whom was referred the disagreement of the House to the Senate amendment to House bill No. 29, "a bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, to repeal all former laws conflicting with the provisions of this act, and prescribing penalties for violations thereof," have agreed on the accompanying amendment, or additional section, in lieu thereof, and they recommend that the Senate recede from their said engrossed amendment, and that the accompanying amendment be adopted by the Senate, in lieu of that which the Senate insisted upon.

SEC. 15. Nothing contained in this act shall be so construed as to prohibit the sale or barter in any quantity by the manufacturer of wine or cider, manufactured from fruits grown in this State, by the manufacturer or any other person, provided that said manufacturer shall not sell or barter such wine or cider to be drank, or suffer the same to be drank in his house, out house, yard, garden, or on any of his premises.

Mr. McLean moved to concur in the report of the committee.

The ayes and noes being demanded by Senators Heffren and Johnston,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Cobb, Cooper, Cravens, Culver, Gooding, Green, Hendry, Jones, Line, McLean, March, Murray, Rice, Robinson, Steele, Studabaker, Thompson, Turner, Wagner and Williams—23.

Those who voted in the negative were,

Messrs. Brown, Carnahan, Conner, Fisk, Hamilton, Hargrove,

Heffren, Johnston, Kinley, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Slack, Stevens and Tarkington—18.

So the report was concurred in.

The Senate having concurred in the report of the committee on free conference, the President decided that the bill must be read through by sections, as on its final passage, and receive a majority of the votes of the Senators elected to become a law.

Mr. Murray appealed from the decision of the President to the Senate.

Mr. Slack moved to lay the appeal on the table.

The ayes and noes being demanded by Senators Slack and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Carnahan, Gooding, Heffren, Johnston, Kinley, Line, Lomax, March, Miller, Odell, Shoemaker and Slack—13.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Brown, Cobb, Conner, Cooper, Craven, Culver, Fisk, Green, Hargrove, Hendry, Hill, Jennings, Jones, McClure, McLean, Murray, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson —29.

So the appeal was not laid on the table.

The question then put was, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes being demanded by Senators Slack and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Carnahan, Cobb, Craven, Fisk, Gooding, Hamilton, Heffren, Johnston, Kinley, Line, Lomax, March, Miller, Odell, Robinson, Shoemaker, Slack and Wilson—20.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Brown, Conner, Cooper, Culver, Green, Hargrove, Hendry, Hill, Jones, McClure, McLean, Murray, Rice, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner and Wagner—23.

So the decision of the President did not stand as the judgment of the Senate.

Ordered, That the Secretary inform the House that the Senate has concurred in the report of the committee of free conference on House bill No. 29.

On motion by Mr. McLean,

Senate bill No. 212. A bill releasing the right of the State of Indiana to redeem the Wabash and Erie canal, and granting permission to the trustees of the same, to rent or lease the same, and matters properly connected therewith, and proposed amendments thereto, pending at adjournment, were taken up.

Mr. Carnahan moved to lay the amendment to the amendment on the table.

The ayes and noes were demanded by Senators Line and Murray.

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Craven, Hargrove, Heffren, Hendry, Johnston, Jones, Lomax, McClure, Robinson, Thompson, Turner and Wilson—14.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Culver, Fisk, Hamilton, Hill, Kinley, Line, March, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Studabaker and Wagner—25.

So the amendment to the amendment was not laid on the table.

The question then being, shall the amendment to the amendment be adopted?

Which was agreed to.

Mr. Cobb moved to indefinitely postpone the bill and pending amendments.

The ayes and noes were demanded by Senators Cobb and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Cooper, Gooding, Heffren, Hendry, Johnston, Jones, Lomax, McClure, O'Brien, Robinson, Thompson and Wilson—18.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Conner, Cravens, Culver, Hamilton, Hargrove, Hill, Kinley, Line, March, Miller, Murray, Odell, Rice, Slack, Steele, Stevens, Studabaker, Turner and Wagner—21.

So the bill and pending amendments were not indefinitely postponed.

The question then recurred, shall the fifth section of the bill be stricken out?

The ayes and noes being demanded by Senators Carnahan and Slack,

Those who voted in the affirmative were,

Messrs. Beeson, Brown, Carnahan, Cooper, Gooding, Hargrove, Heffren, Hendry, Johnston, Jones, Kinley, Lomax, McClure, March, Robinson, Thompson, Turner and Wilson—18.

Those who voted in the negative were,

Messrs. Blair, Cobb, Conner, Cravens, Culver, Hamilton, Hill, Line, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Studabaker and Wagner—18.

So the fifth section was not stricken from the bill.

Mr. March moved to concur in the report of the committee, with the following amendment:

Add to the sixth section the following: "The release and all the other provisions of this act, are made upon the express condition that they are assented to and accepted by the bondholders and other persons, interested in the trust created by said acts of 1846 and 1847, without enlarging or changing in any manner whatever, now or hereafter, the liability of the State to said bondholders and other persons interested in said trust.

Which was agreed to.

Mr. Line moved to amend the first section of the bill by adding thereto, after the word "reserved," in the eighth line, the words—

Provided however, That nothing in this act shall be so construed as to prevent the State of Indiana, by her legislature, from fully and to its full extent, from the enforcement of the contract as made with the bondholders by the act of 1846–7, and by the supplemental act of 1857–8.

Mr. Heffren moved to amend the amendment by striking out the first section and inserting the following:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State of Indiana hereby renounces, releases, relinquishes, grants, and forever conveys unto the person or persons who now may of right hold and own said Wabash and Erie canal, all the State's reserved right of redemption, under the acts of 1846 and 1847, conveying said canal to the bondholders for purposes therein set forth, hereby expressly contracting and agreeing never to exercise the State's reserved right, or ever to pass any law to redeem or take back the same, and hereby recognizing the full power of said bondholders or their agents, to rent, lease or sell said canal and all their lands and appurtenances, belonging to said canal, to any person or persons, company or corporation, for the purpose of keeping up and navigating said canal.

Mr. Gooding moved to lay the amendment to the amendment on the table.

Mr. Studabaker called for a division of the question.

The question then put was, shall the motion to strike out the first section be laid on the table.

The ayes and noes being demanded by Senators Heffren and Gooding,

Those who voted in the affirmative were,

Messrs. Culver, Gooding and Line—3.

Those who voted in the negative were,

Messrs. Beeson, Blair, Brown, Carnahan, Cobb, Conner, Coope Cravens, Green, Hamilton, Hargrove, Heffren, Hill, Johnston, Kinley, Lomax, McClure March, Miller, Murray, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Thompson, Turner and Wagner—32.

So the motion to strike out the first section was not laid on the table.

The question then recurred, shall the amendment to the amendment proposing to insert be laid on the table.

The ayes and noes being demanded by Senators Heffren and Gooding.

Those who voted in the affirmative were,

Messrs. Blair, Brown, Carnahan, Cobb, Conner, Cravens, Culver,

Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner and Wilson—33.

Those who voted in the negative were,

Messrs. Beeson, Cooper, Heffren and Jones—4.

So the motion to amend the amendment by inserting was laid on the table.

The question then recurred, shall the amendment to the amendment proposing to strike out the first section be adopted?
Which was agreed to and the first section was stricken from the bill.

Mr. Lomax moved to amend the bill—
First, By striking out the preamble.
Second, By striking out all of section six in the fourth line after the date "1847."

The first proposed amendment was considered and adopted.

On motion by Mr. Conner,
The second proposed amendment was laid on the table.

Mr. Conner moved to order the bill to be engrossed and read a third time on to-morrow.
Which was agreed to.

On motion by Mr. Slack,
The Senate adjourned.

THURSDAY MORNING, 9 o'clock,
February 24, 1859.

The Senate met.

The reading of the Journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. Carnahan, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred Senate bill No. 53, "an act to authorize county commissioners to award compensation to persons who may bring to justice fugitives from the same," have had the same under consideration and have directed me to report it back to the Senate with the following amendments, to-wit: Add to the first section, "to be paid out of the county treasury;" also strike out section two, and when so amended to recommend its passage.

Mr. Carnahan moved to lay the report and bill on the table.
Which was agreed to.

Mr. Slack, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

A majority of the committee on the judiciary to whom was referred House bill No. 142, "an act to authorize the boards of commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property for losses sustained by taking, carrying away or destruction of such property by any officer under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855, and reimburse the officers named in said act, who, in good faith, have executed the provisions thereof, and been subject to loss thereby, and authorizing an allowance to officers who have paid costs in cases of habeas corpus under said act," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.
Which report was not concurred in.

Mr. Anthony moved to amend by striking out from the enacting clause and inserting the following:

That when the property of any person or persons shall have been seized, destroyed or sold by any officer and by virtue of any process sued out to enforce the provisions of "an act to prohibit the manu-

facture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance, approved February 16, 1855, or when such property shall have been seized or carried away by any officer in conformity with the provisions of said act, the full amount of the said loss shall be paid to said person or persons out of the Treasury of State.

SEC. 2. No payment of any loss incurred under said act shall be made as provided in the first section of this act until the loss has been adjudicated upon and determined by a court of competent jurisdiction.

SEC. 3. Whenever any judgment shall have been rendered in any court of competent jurisdiction for violations of the act in section 1st of this act specified, against any officer or officers, person or persons who have been acting in the discharge of his or their duty by virtue of any process issued to them to enforce the provision or provisions of said act, he or they may be entitled to relief from said judgment, according to the provisions of this act hereinafter specified.

SEC. 4. Whenever a certified transcript of any judgment rendered in favor of or against any person or persons as referred to in the second or third sections of this act, has been presented and filed in the office of the Auditor of State, the said Auditor shall issue his warrant to the Treasurer of State in favor of the person or persons in whose behalf said judgment was rendered, or their assignees, for the amount of said judgment.

SEC. 5. Whenever the said Auditor issues his warrant as provided in section three of this act, he shall certify that fact to the court in which such judgment was rendered, and the proper officer of said certificate shall enter upon the record full and complete satisfaction of said judgment.

SEC. 6. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore this act shall take effect and be in force from and after its passage.

The ayes and noes were demanded by Senators Anthony and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Brown, Cravens, Craven, Culver, Green, Hargrove, Heffren, Hendry, Hill, McClure, Odell, Rice, Shoemaker, Steele, Thompson, Turner and Wagner—19.

Those who voted in the negative, were

Messrs. Beeson, Bennett, Bobbs, Carnahan, Cobb, Conley, Conner, Gooding, Hamilton, Jennings, Johnston, Kinley, Line, Lomax, Mc-

Lean, March, Miller, Murray, O'Brien, Robinson, Slack, Stevens, Studabaker, Williams and Wilson—25.

So the amendment was not adopted.

Mr. McLean moved to read the bill a third time now.

The ayes and noes being demanded by Senators Heffren and McLean.

Those who voted in the affirmative were,

Messrs. Bennett, Bobbs, Carnahan, Conner, Craven, Culver, Gooding, Green, Hamilton, Hendry, Jennings, Kinley, McLean, March, Miller, Murray, Slack, Steele, Stevens, Tarkington and Turner—21.

Those who voted in the negative were,

Messrs. Beeson, Blair, Brown, Cobb, Conley, Cravens, Hargrove, Heffren, Hill, Johnston, Line, Lomax, McClure, O'Brien, Odell, Rice, Robinson, Shoemaker, Studabaker, Thompson, Wagner, Williams and Wilson—23.

So the bill was not ordered to be read a third time.

The bill passed to a third reading on to-morrow.

Leave being granted,
Mr. Hamilton presented the claim of Wm. Fleming, Sheriff of the county of Allen, praying an allowance for pursuing and capturing sundry fugitives from justices;
Which was referred to the committee on claims.

Leave being granted,
Mr. Hamilton presented the petition of sundry citizens of the county of Allen on the subject of the Wabash and Erie Canal;
Which,
On motion,
Was referred to the committee on canals and internal improvements.

Mr. Gooding presented the petition of O. H. Kendrick asking permission to occupy the Senate Chamber on Sabbaths, during vacation, for purposes of divine worship;
Which,
On motion,
Was referred to a select committee of three.

The President appointed Senators Murray, Gooding and Bobbs said select committee.

Mr. Williams, chairman of the committee on roads, made the following report:

Mr. President:

The committee on roads, to whom was referred the petition of the trustees and other citizens of Franklin township, Johnson county, praying the passage of a law for keeping open all section lines for public highways and roads, have had the same under consideration, and have directed me to report the same back and recommend that it be laid on the table.

Which report was concurred in.

Leave of absence was granted, during the session hours of to-day, to the select committee having in charge the occurrence in the Senate Chamber on the 15th inst.

Mr. Jones, chairman of the committee on claims, made the following report:

Mr. President:

The committee on claims, to whom was referred the claim of B. Murphy, for pursuing and bringing to justice James Ward, have had the same under consideration, and direct me to report the same back and recommend that said Murphy be allowed the sum of eighty-four dollars and eighty-cents;

Which,

On motion,

Was referred to the committee on finance.

Mr. Carnahan, from the committee on claims, made the following report:

Mr. President:

The committee on claims, to whom was referred the claim of Minus Turner, for pursuing and arresting a fugitive from justice, have had the same under consideration, and direct me to report it back and recommend that the sum of ninety-seven dollars be allowed him for said services, and ask that it be allowed in the specific appropriation bill;

Which,

On motion,

Was referred to the committee on finance.

Mr. Carnahan, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim of David Patton, for services rendered in pursuing and arresting a fugitive from justice, have had the same under consideration, and direct me to report the same back and recommend that he be allowed the sum of fifty-five dollars and five cents for such services;

Which,

On motion,

Was referred to the committee on finance.

Mr. Johnston, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the memorial and claim of John M. Moore for pursuing and arresting Jas. E. Cardwell, a horse thief, and bringing him to justice, have had the same under consideration, and direct me to report the same back and recommend that he be allowed the sum of forty-five dollars and fifty cents;

Which,

On motion,

Was referred to the committee on finance.

Mr. Johnston, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claims of Jas. McNeely and J. G. W. Traylor, for pursuring and arresting William Swincher, a horse thief, have had the same under consideration, and have directed me to report the same back and recommend that James McNeely be allowed the sum of forty dollars, and that J. G. W. Traylor be allowed the sum of thirty-five dollars;

Which,

On motion,

Was referred to the committee on fianance.

Mr. Jones, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of P. S. Sage, J. J. Alexander and J. F. Suit, have had the same under consideration, and have ascertained that each of said petitioners at

the time they were appointed a committee to examine the books of the Agent of State, drew from the treasury of State one hundred dollars, which your committee deem to be ample compensation for the services rendered.

Which report was concurred in, and the claims laid on the table.

Mr. Jones, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim of Aaron Stephenson and others, have directed me to report the same back and recommend an allowance to said Stephenson of the sum of twenty-five dollars for pursuing and arresting Nicholas McCarty, a fugitive from justice;

Which,

On motion,

Was referred to the committee on finance.

Mr. Beeson, chairman of the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred Senate bill No. 238, "a bill for the better protection of orchards, gardens and vineyards," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Williams, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred House bill No. 104, "a bill to amend section 7 of an act to authorize the construction of levees and drains, approved June 12, 1852," have had the same under consideration, and have directed me to report the same back with the amendments proposed by Mr. Craven, on the 14th inst., and when so amended, to recommend its passage.

Which report was concurred in.

The question being, shall the amendments proposed by the committee be adopted?

Which was agreed to, and

The bill passed to a third reading on to-morrow.

Mr. Cravens, chairman of the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

The committee on benevolent institutions, to whom was referred the reply of the Superintendent of the Asylum for the Deaf and Dumb, in relation to the per diem and mileage of trustees, have had the same under consideration, and direct me to report the same back and recommend that it be laid on the table.

Which report was concurred in.

Mr. Cravens, chairman of the committee on benevolent institutions, made the following report:

MR. PRESIDENT:

The committee on benevolent institutions to whom was referred the reply of the Superintendent of the Hospital for the Insane in relation to monys drawn from county treasuries in the year 1857, have had the same under consideration and direct me to report the same back and recommend that it be laid on the table.

Which report was concurred in.

Mr. Blair, chairmain of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and towhship business to whom was referred Senate bill No. 208, "a bill to amend the first section of "an act to authorize the formation of new counties and to change county boundaries,' approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained," have had the same under consideration and have directed me to report the same back and recommend its passage without amendment.

Which report was concurred in, the bill ordered to be engrossed and read a third time on to-morrow.

Leave bing granted,
Mr. Hamilton introduced

Senate Joint Resolution No. 14. A joint resolution to aid the Indiana Historical Society in the collection of valuable historical works.

Which was read.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Robinson, Slack, Steele, Studabaker, Thompson, Turner, Williams and Wilson—38.

No Senator voting in the negative.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Bennett,
The following message from the House was taken up.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has agreed to all the Senate's engrossed amendments except the 7th and 8th specifications to House bill No. 93, "a bill to amend the 6th and the third clause of the 7th section of an act entitled "an act regulating the granting of divorces, nullification of marriages and decrees and orders of court incident thereto," approved May 13, 1852.

Mr. Bennett moved that the Senate insist upon its amendments.
Which was agreed to.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Heffren,
The order of business was suspended, and
The Senate proceeded to the

ORDERS OF THE DAY.

Senate Bills on their Third Reading.

Senate bill No. 55. A bill to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of jus-

tice in a uniform mode of pleading and practice, without distinction between law and equity."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Robinson, Slack, Steele, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—43.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 57. A bill authorizing township trustees to establish water courses and locate ditches in certain cases, and for the benefit of agriculture.

Was read a third time.

On motion by Mr. Hill,

The bill was re-committed to the committee on agriculture with instructions to so amend the bill as to make it conform to the present township law.

Senate bill No. 59. A bill supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855.

Was read a third time.

On motion by Mr. Heffren,

The bill was laid on the table.

Senate bill No. 46. A bill to amend section four of "an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carna-

han, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Line, Lomax, McLean, March, O'Brien, Odell, Robinson, Slack, Steele, Studabaker, Thompson, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 64. A bill to render public officers competent to testify as witnesses in action brought on their relation in the name of the State.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Line, Lomax, McClure, McLean, March, Odell, Robinson, Slack, Steele, Studabaker, Thompson, Turner and Wilson—35.

Senators Green and Williams voting in the negative—2.

So the bill passed.

Mr. Gooding moved to amend the title by adding thereto, "and to permit the defendant to testify in the same cases."

Which was agreed to.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 67. A bill requiring the superintendents of the several asylums to report the number of patients who are the offspring of parents married within the degrees of consanguinity.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Connor, Cooper, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Mur-

ray, O'Brien, Odell, Robinson, Slack, Steele, Studabaker, Thompson, Turner, Williams and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 68. A bill to amend the ninth section of an act entitled "an act providing for the election of clerks of the circuit court and prescribing some of their duties," approved June 7, 1852,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—44.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 70. A bill supplemental to "an act concerning county prisons," approved May 27, 1852, and to authorize the establishment of work-houses, and the confinement of certain persons therein at labor,
Was read a third time.

On motion by Mr. Heffren,
The bill was recommitted with instruction to strike out that part of section five which relates to the custody of prisoners convicted of felony.

Senate bill No. 73. A bill to provide for the collection of taxes assessed against lands and lots mortgaged to secure loans made of the sinking fund, surplus revenue fund, saline fund, congressional township fund, seminary fund, college fund, and any other public or trust fund, to prevent loss of the securities held by such funds, and to repeal the eighth section of chapter six of the revised statutes of 1852,
Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cooper, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Wilson—42.

Senators Beeson and Williams voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 62. A bill for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Tarkington, Turner, Wagner, Williams and Wilson—38.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Fisk, Gooding, Hendry, Robinson and Thompson—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Rice,

Senate bill No. 187. A bill to authorize the bank of the State of

Indiana to lay off and create six additional bank districts and to locate and establish branches therein,

Which was read a third time on yesterday, and did not pass for want of a constitutional majority, was taken up.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Heffren, Hill, Johnston, Jones, McLean, Miller, Murray, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner and Wagner —29.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Hendry, Jennings, Kinley, Line, Lomax, McClure, March, O'Brien, Robinson, Slack, Williams and Wilson—19.

So the bill passed.

Mr. Studabaker moved to amend the title by adding, "and to amend the 15th section of 'an act to establish a bank with branches,' passed the Senate and House on the 3d day of March, A. D. 1855, the Governor's objections to the contrary notwithstanding."

Which was agreed to.

Ordered, That the Secretary inform the House thereof.

Leave of absence was granted Mr. Hill untill Monday next; and Mr. McLean until to-morrow at 2 o'clock, P. M.

Senate bill No. 75. A bill to amend the 9th and 30th sections of an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Carnahan, Conley, Craven, Gooding, Green, Hamilton, Johnston, Jones, Kinley, Line, March, Rice, Steele, Studabaker and Wilson—15.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb,

Conner, Culver, Fisk, Hargrove, Heffren, Hendry, Hill, Jennings, Lomax, McClure, McLean, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Stevens, Tarkington, Thompson, Turner, Wagner and Williams—30.

So the bill did not pass.

On motion by Mr. Slack,

Senate bill No. 212. A bill releasing the right of the State of Indiana to redeem the Wabash and Erie Canal, and granting permission to the Trustees thereof to rent or lease the same, and matters properly connected therewith,
Was taken up and read a third time.

Mr. Williams moved to amend the bill by striking out the fourth section.
Which was agreed to.

Mr. March moved to amend the bill by striking out the words "the release and," also "other," in the fifth section.
Which was unanimously agreed to.

Mr. Miller moved the previous question,
Which was seconded by the Senate.

The question being, shall the main question be now put?
Which was agreed to.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bobbs, Carnahan, Conley, Conner, Cravens, Culver, Green, Hamilton, Hargrove, Heffren, Hill, Line, McLean, March, Miller, Murray, Odell, Rice, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner and Williams—26.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Craven, Fisk, Gooding, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, O'Brien, Robinson, Thompson and Wilson—20.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Conner,
The title of the bill was amended to read as follows, to-wit: "an

act granting permission to the trustees of the Wabash and Erie canal to rent or lease the same, and matters properly connected therewith."

Leave being granted,

Mr. Johnston, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the memorial of D. O. Dailey, the pretended contestant of the seat of Hon. Leroy Wood, Senator from the county of Clark, in the year 1857, claiming per diem and mileage while contesting such seat, have had the same under consideration and have directed me to report the same back with the recommendation that it be laid on the table for the following reasons:

First. Because there was no vacancy in the office of Senator in said county of Clark, at the time said D. O. Daily pretended to have been elected.

Second. Because there was no legal order for said election in said county, and consequently no legal election.

Third. All the facts, in the opinion of the committee, were known by said memorialist.

Which report was concurred in.

Leave being granted,

Mr. Wagner introduced

Senate bill No. 249. A bill for the formation of new counties and providing for the organization thereof,

Which was read a first time.

Mr. Wagner moved to suspend the rules and read the bill a second time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, McClure, March, Murray, O'Brien, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—35.

Senators Cobb and Lomax voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Wagner moved to refer the bill to a select committee of three.
Which was agreed to.

The President appointed Senators Wagner, Rice and Turner said select committee.

Leave being granted,
Mr. Steele introduced

Senate bill No. 250. A bill to authorize married women, over eighteen and under twenty-one years of age, to unite with the husband in conveying or mortgaging real estate, with the approval of a guardian, when the wife has neither father nor mother residing in the State,
Which was read a first time.

Mr. Bobbs moved to suspend the rules and read the bill a second time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—35.

Senators Cobb and Heffren voting in the negative.

So the rules were suspended and the bill was read a second time by its title; and
On motion,
Referred to the committee on the judiciary.

Mr. Gooding, chairman of the committee on temperance, made the following report:

Mr. President:

The committee on temperance, to whom was referred the following bills of the Senate:
No. 95. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to repeal all former laws conflicting with the provisions of this act;
No. 96. A bill to regulate and restrain the retailing of spirituous liquors, and for the suppression of evils arising therefrom;

No. 97. A bill to prevent the retailing of spirituous and intoxicating liquors, to provide punishment for a violation thereof; also, to provide for the duties, compensation and punishment of officers in relation thereto, and to repeal all former laws on the subject of vending spirituous and intoxicating liquors; and

No. 98. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, and to prevent drunkenness and crime," have had the same under consideration, and have directed me to report the same back and recommend that they be laid on the table.

Which report was concurred in.

On motion by Mr. Turner,

The Senate adjourned.

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2 o'clock, p. m.

The Senate met.

On motion by Mr. Wagner,

Senate bill No. 85. A bill to provide for a general system of common schools, the officers thereof, and their respective powers, duties and matter properly connected therewith, and to establish township libraries, and for the regulation thereof,

Was taken from the table.

On motion by Mr. Green,

The twenty-third section of the bill was amended by striking out the word "trustee" and inserting "three trustees."

On motion by Mr. Shoemaker,

The sixtieth section was amended by striking out the words "the township board" and inserting "the county auditor."

Mr. Heffren moved to strike out the eighty-first section of the bill.

Pending the consideration of which,

On motion by Mr. Kinley,

The bill and pending amendment were made the special order for to-morrow at 10 o'clock, A. M.

Mr. Heffren moved to reconsider the vote on the final passage of Senate bill No. 212.

The President decided the motion to be out of order, as the bill had been passed by the Senate and reported to the House of Representatives.

Whereupon Mr. Heffren presented the following protest against the ruling of the chair:

MR. PRESIDENT:

I submit the following protest in regard to the ruling of the chair upon Senate bill No. 212, in regard to the Wabash and Erie Canal. The bill having been sent to the House does not, as I conceive, take it out of the power of a majority of the Senate to reconsider a vote upon the passage of a bill, for whenever the vote is so reconsidered it becomes then the duty of the proper officer of the Senate to request the House to return the bill for further action thereon. In this case I voted for this bill upon its final passage because I understood an amendment had been engrafted upon the bill similar to the one offered by myself, forever releasing all control over the canal, and expressly agreeing never to use the reserved right of the State under the acts of 1846–47, to redeem said canal, directly or indirectly exercise any control over the same. Such was my information and understanding of the matter, both from Senators and from the imperfect and hurried manner it was read at the Secretary's desk. The previous question having been seconded no opportunity was left for an examination of the bill, as the vote was immediately taken. Believing that the only chance to set myself right was to vote in the affirmative, in order to move a reconsideration of the vote, (knowing that a majority would vote for the bill,) I did so, and at the first opportunity moved to reconsider, and now the President deciding it out of order, because the bill has been reported to the House, I do hereby most solemnly protest against the ruling of the chair and action of the Senate, hoping that the House of Representatives may do that which I desired to do, effectually, completely and forever kill the bill as it passed the Senate.

HORACE HEFFREN.

Mr. Heffren, from a select committee, made the following report.

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 70, "a bill supplemental to 'an act concerning county prisons,' approved May 27, 1852, and to authorize the establishment of work-houses, and the confinement of certain person therein at labor," have had the same under consideration and directed me to report the same

back with the following amendment, and when so amended, recommend its passage:

Amend by striking out of section 5 the following words, "when the offence is not bailed," and add the following to the section:

Provided, That no person confined in jail for a capital offence shall be permitted to labor in said work house."

Which report was concurred in.

The question being, shall the amendment be adopted?

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Carnahan, Cobb, Conley, Cooper, Craven, Fisk, Green, Hargrove, Heffren, Jones, Kinley, McClure, March, Murray, O'Brien, Odell, Rice, Shoemaker, Tarkington, Wagner and Williams—23.

Those who voted in the negative were,

Messrs. Bennett, Blair, Bobbs, Brown, Conner, Culver, Hamilton, Hendry, Jennings, Johnston, Line, Lomax, Miller, Miller, Robinson, Slack, Steele, Thompson and Wilson—17.

So the bill did not pass.

Mr. Cobb, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred Senate bill No. 166, "a bill redistricting the State for courts of common pleas, defining its jurisdiction and powers, providing for the election, powers and compensation of its judges, and for certifying causes, and repealing an act entitled 'an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof,'" approved May 14, 1852, have had the same under consideration and have directed me to report the same back for the action of the Senate.

Mr. Tarkington moved to postpone the further consideration of the bill until to-morrow at 2 o'clock, P. M., and make it the special order for that hour.

Which was agreed to.

Leave being granted,
Mr. Slack introduced

Senate bill No. 251. A bill supplemental to an act entitled "an act fixing the times of holding courts in the Eleventh Judicial Circuit and prescribing the length thereof in each county thereof," approved January, 1859.

Which was read a first time.

Mr. Slack moved to suspend the rules and read the bill a second time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Turner, Williams and Wilson—39.

So the rules were suspended and the bill was read a second time by its title.

Mr. Slack moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cravens, Green, Hamilton, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, March, Murray, O'Brien, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Turner, Wagner, Williams and Wilson—29.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Cooper, Craven, Culver and Hargrove—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 2. A bill regulating the choosing of United States Senators, by the General Assembly, specifying time, place and manner of such choosing, providing for the designation of such Senators by the people, and prescribing the duties of certain officers in connection with such designation and choosing,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cooper, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Williams and Wilson—39.

Those who voted in the negative were,

Messrs. Conner, Craven, Hendry, March and Miller—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Heffren,

The title of the bill was amended to read as follows:

A bill regulating the choosing of the United States Senators by the General Assembly, specifying the time, place and manner of such choosing.

Senate bill No. 41. A bill to separate the law books from the State library and constituting the same as a law library of the State of Indiana, and for the management and government of the same, and repealing conflicting laws.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, Odell, Rice, Robinson,

Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—43.

Senator Johnston voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 48. A bill to repeal "an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana."
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hendry, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner and Wilson—24.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Slack, Studabaker, Tarkington and Williams—19.

So the bill did not pass.

Senate bill No. 45. A bill to provide compensation to owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company of this State.
Was read a third time.

Mr. Green moved to recommit the bill with instructions to strike out the third section.
Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Hamilton, Hargrove, Hendry, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Rice, Robinson, Slack, Studabaker, Thompson, Turner, Williams and Wilson—33.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Green, Heffren, Murray, Steele and Tarkington—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Craven,
The title was amended by adding thereto:
"And matters properly connected therewith, and to repeal all laws in conflict with this act."

Senate bill No. 58. A bill to amend the 14th section of an act entitled "an act for the government of the insane, and the care of the insane of Indiana,"
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hamilton, Jennings, Johnston, Jones, Kinley, Line, Lomax, March, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Hargrove, Heffren, Hendry and McClure—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Cravens,
The title of the bill was amended by adding thereto as follows:
"And matters properly connected therewith, and repealing all laws in conflict with this act."

Senate bill No. 78. A bill to amend the 16th section of an act entitled "an act concering real property and the alienation thereof," approved May 6th, 1852,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Conner, Culver, Green, Hargrove, Heffren, Kinley, Line, McClure, Murray, O'Brien, Odell, Rice and Steele—18.

Those who voted in the negative were,

Messrs. Brown, Cobb, Cooper, Cravens, Craven, Fisk, Hamilton, Hendry, Jennings, Johnston, Lomax, March, Murray, Slack, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson —21.

So the bill did not pass.

Senate bill No. 79. A bill to extend the time of payment to purchasers of saline and school lands,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Thompson, Turner, Wagner and Wilson—39.

Senators Beeson and Studabaker voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 81. A bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, vol. 2, revised statutes of 1852,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Green, Hamilton, Hargrove, Heffren, Hendry, Johnston,

Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Wagner and Wilson—30.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Blair, Craven, Culver, Fisk, Jennings, Jones, Slack, Thompson and Turner—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 82. An act to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of practice and pleading, without distinction between law and equity," approved June 18th, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 77. A bill to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof,"

Was read a third time.

The question being, shall the the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice,

Robinson, Slack, Steele, Stevens, Studabaker, Thompson, Wagner, Williams and Wilson—39.

Senator Culver voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 94. A bill to amend the 6th section of "an act for the encouragement of agriculture," approved February 17th, 1852,

Was read a third time.

The questien being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cooper, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, Odell, Rice, Robinson, Steele, Tarkington, Thompson, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Williams,

The title of the bill was amended so as to read:

"A bill to amend the 1st and 6th sections of 'an act for the encouragement of agriculture," approved February 17th, 1852."

Senate bill No. 99. A bill to provide for the protection of wild game, defining the time in which it may be taken or killed, and declaring the penalty for the violation of this act, and to repeal all laws and parts of laws in conflict with the provisions of this act,

Was read a third time.

Mr. Wagner moved to recommit the bill to a select committee of three, with instructions to strike out "January" and insert "March," as regards the killing or netting of prairie chickens.

Which was agreed to.

On motion by Mr. Heffren,

The committee was further instructed to amend the bill so as to prevent the netting of quails at any time of the year.

The President appointed Senators Wagner, Conley and Heffren said select committee.

Mr. Studabaker moved to further instruct the committee to so amend the bill as to allow persons to kill game on land belonging to others.

Which was not agreed to.

Senate bill No. 108. A bill to amend sections 4, 5, 18, 20, 21 and 22, of an act regulating general elections and prescribing the duties of officers in relation thereto, approved June 7, 1852, and repealing sections 29 and 30 of said act, and adding provisions supplemental thereto,

Was read a third time.

Mr. March moved to recommit the bill to a select committee of five with instructions to strike out all in relation to examining witnesses; also, to strike out all that compels the inspector to put the question to witnesses, and leave it to the option of the inspector.

Which was agreed to.

The President appointed Senators March, Rice, Craven, Jones and Wilson said select committee.

Senate bill No. 110. A bill to prohibit clerks of the circuit and common pleas courts, and their deputies from practicing as attorneys at law in the courts of which they are clerks or deputies, and from practicing law in the courts of this State,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cooper, Cravens, Craven, Culver, Heffren, Hendry, Johnston, Kinley, Line, Lomax, March, Murray, O'Brien, Steele, Studabaker and Thompson —22.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Carnahan, Hamilton, Hargrove, Jennings, McClure, Miller, Odell, Rice, Robinson, Shoemaker, Slack, Stevens, Williams and Wilson—16.

So the bill did not pass.

Senate bill No. 114. A bill authorizing the State board of edu-

cation to purchase and place in the county and township libraries of the State, copies of the Indiana School Journal,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Craven, Green, Hargrove, Heffren, Hendry, Kinley, Line, March, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Thompson and Wagner—23.

Those who voted in the negative were,

Messrs. Blair, Carnahan, Conley, Conner, Cooper, Jennings, Johnston, Lomax, Miller, Robinson, Studabaker, Williams and Wilson —13.

So the bill did not pass.

On motion by Mr. Heffren,
The Senate adjourned.

FRIDAY MORNING, 9 o'clock,
February 25, 1859.

The Senate met.

The reading of the Journal was dispensed with.

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 195. A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe-keeping of the public moneys.

In which the concurrence of the Senate is respectfully requested.

House bill No. 195, contained in the foregoing message,
Was read a first time.

Mr. Anthony moved to suspend the rules and to read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Hendry, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Rice, Robinson, Shoemaker, Slack, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Cobb, Conley, Heffren, Jennings, McClure and Odell—6.

So the rules were suspended and the bill was read a second time by its title.

Mr. Heffren moved to refer the bill to the committee on finance.

Mr. Wagner moved to postpone the further consideration of the bill until to-morrow at 10 o'clock, A. M.

Which was not agreed to.

The question recurred, shall the bill be referred to the committee on finance?

The ayes and noes were demanded by Senators Conley and McClure.

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington and Williams—21.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Gooding, Green, Hendry, Jones, Kinley, Line, Rice, Robinson, Steele, Thompson, Turner, Wagner and Wilson—23.

So the bill was not referred to the committee on finance.

Mr. Carnahan moved to amend the bill by striking out so much thereof as authorizes the taking of paper money.

Mr. Heffren moved to amend the amendment by striking out all that part of the bill which allows notes of any bank to be taken in payment of taxes.

Which was accepted by Mr. Carnahan.

Mr. Bennett moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Heffren and Conley.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cooper, Cravens, Craven, Culver, Green, Hamilton, Johnston, Jones, Lomax, McLean, Murray, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—27.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Hendry, Jennings, Kinley, Line, McClure, March, Miller, O'Brien, Shoemaker, Slack, Studabaker and Williams—19.

So the amendment was laid on the table.

Mr. Heffren moved to amend the bill so as to require the Treasurer of State to send home for redemption the notes of all the banks which he is permitted to receive immediately after receiving the State revenue from the county treasurers.

Mr. Beeson moved to lay the amendment on the table.

The ayes and noes were demanded by Senators Heffren and Conley.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Green, Hamilton, Hendry, Johnston, Jones,

McLean, Murray, Rice, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner and Wagner—25.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Kinley, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Williams and Wilson—21.

So the amendment was laid on the table.

Mr. Jones moved to read the bill a third time now.

Upon that motion, Mr. Jones moved the previous question.

The question being, will the Senate second the motion for the previous question.

The ayes and noes were demanded by Senators Heffren and Conley.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cravens, Craven, Culver, Green, Hamilton, Johnston, Jones, McLean, Murray, Rice, Steele, Stevens, Turner and Wagner—20.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Hendry, Jennings, Kinley, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Thompson, Williams and Wilson—25.

So the previous question was not seconded by the Senate.

Mr. Slack moved to amend the bill so as to require all payments for taxes after the 1st day of September, 1860, to be paid in specie.

Mr. Bobbs moved to amend the amendment by striking out all that part of the bill which relates to the kind of currency which the Treasurer shall receive in payment of dues to the Treasury.

Mr. Anthony moved to lay the amendment to the amendment on the table.

Mr. Gooding called for a division of the question.

The question being, shall the amendment to the amendment to the amendment be laid on the table.

The ayes and noes were demanded by Senators Heffren and Conley.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cravens, Craven, Culver, Green, Hamilton, Johnston, Jones, McLean, Murray, Odell, Rice, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Hendry, Jennings, Kinley, Line, Lomax, McClure, March, Miller, O'Brien, Robinson, Shoemaker, Slack and Thompson —21.

So the amendment to the amendment was laid on the table.

The question recurred, shall the amendment be laid on the table?

The ayes and noes were demanded by Senators Slack and Line.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Green, Hamilton, Johnston, Jones, Lomax, McLean, Murray, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—26.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Hendry, Jennings, Kinley, Line, McClure, March, Miller, O'Brien, Shoemaker, Slack, Studabaker, Williams and Wilson—20.

So the amendment was laid on the table.

Mr. Cobb moved to amend the bill by striking out from the enacting clause and inserting the following:

That from and after the year, A. D., 1860, all State taxes and all dues owing or accruing or that may accrue to the State shall be paid in gold or silver coin; and all disbursements by any State officer, or other person, charged with the collection, receipt, safe keeping, transfer or disbursement of public money belonging to the State, shall be in gold or silver coin.

Sec. 2. The rooms which are now occupied or which may hereafter be assigned to the Treasurer of State, together with the safes,

vaults and other proper and necessary means for the security and safe keeping of the public money thereto belonging, shall constitute the Treasury of the State of Indiana; and the Treasurer of State is hereby required to use the treasury so constituted as the sole place for the deposit and safe keeping of the money of the State, and all moneys paid into said treasury shall be subject to draft in the manner prescribed by law or agreeably to appropriations made by law.

SEC. 3. The said Treasurer of State is hereby required to keep safely without loaning, using, depositing in banks or elsewhere, or exchanging for other funds than is allowed by this act, all the public money collected or received by him, or that may come into his hands as treasurer, as aforesaid, until the same is ordered to be paid out or to be transferred in the manner prescribed by law, and when such orders of transfer or payment are made, to obey the same faithfully and promptly.

SEC. 4. Every payment of money in the State treasury shall be on the draft of the Auditor of State, drawn in favor of the State treasury upon the person making payment, and no payment into the State treasury shall discharge the liability to the State, unless it be made on the draft of the Auditor as aforesaid, and no money shall be drawn or paid out of the State treasury for any purpose whatever, or transferred from the State treasury to any other place for use or disbursement, unless it be on the warrant of the Auditor of State drawn upon the State treasury, and no payment out of the treasury otherwise than on the warrant of the Auditor of State shall be chargeable against the State, and no warrant shall be drawn by the Auditor or the Treasurer for the payment of any money, unless the same shall have been appropriated by law for the purpose for which it is required to be paid.

SEC. 5. It shall be the duty of the Auditor of State to preserve a duplicate copy of every draft, and every warrant by him drawn, and also to keep an accurate record of the number, amount and date of every such draft and warrant, and the name of the payor or payee, as the case may be, specifying the fund drawn in favor of or against ————————, and it shall be the duty of the Treasurer of State to keep a like accurate record of the number, amount and date of every draft of the Auditor in favor of the Treasurer of State, as well as every warrant of such Auditor and to whom payable, and his books shall at all times show the exact amount of every payment into and every payment out of the treasury, and shall clearly exhibit the true condition of every fund thereof.

SEC. 6. It shall be the duty of the Secretary and Auditor of State, at the close of every month, to examine the books, accounts and returns of such Treasurer, and carefully to compare the same with the books, accounts and returns of such auditor, and ascertain the precise condition of the State treasury as shown by such books and accounts, and also by actual inspection and count, ascertain the actual amount of money remaining in the treasury, together with all other property, bonds, securities, claims, assets and effects which

should be in the custody and possession of the Treasurer, and make a full, faithful and accurate report of such examination to the Governor.

SEC. 7. The said Treasurer of State is hereby required to keep an accurate entry of each sum received and of each payment or transfer; and if any Treasurer, or any person connected with his office, shall convert to his own use in any manner whatever, or shall use by way of investment in any kind of security, stock, loan, property, land or merchandise, or in any other manner or form whatever, or shall loan with or without interest, or shall deposit in any bank or elsewhere, or shall exchange for other funds except as allowed by this act any portion of the public money, or any other funds, property, bonds, securities, assets or effects of any kind received, controlled or held by him for safe keeping, transfer or disbursement, or in any other way or manner participate in such act; for every such act he shall be deemed guilty of embezzlement of so much of said money or other property as aforesaid, as shall be thus converted, used, invested, loaned, deposited or paid out as aforesaid, which is hereby declared to be a felony, and upon conviction thereof, shall be imprisoned in the State's prison not less than —— nor more than — years, and any failure to pay over or to produce the full amount of money collected or received by him as Treasurer, when required so to do, shall be held to be prima facie evidence of such embezzlement, and for the purpose of determining a balance against such Treasurer, it shall be sufficient evidence to produce a transcript from the books and papers of the Auditor of State, or such Treasurer showing such balance to be in his hands.

SEC. 8. No money shall be received into the State treasury unless it be on the draft of the Auditor of State as prescribed in this act, nor shall any money be paid out of said treasury, unless it be on the warrant of said Auditor; and if the said Treasurer shall receive into or pay out of the treasury any public money in any other manner than as provided in section five of this act, such Treasurer shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for every such offense not less than twenty nor more than five hundred dollars.

SEC. 9. If any such Treasurer shall accept or transmit to be allowed in his favor any receipt or voucher from any creditor of the State, without having paid to such creditor, in specie, the full amount specified in such receipt or voucher, every such act shall be deemed a conversion by such Treasurer to his own use of the amount specified in such receipt or voucher, and upon conviction thereof, every such offender shall be fined in an amount equal to the amount so embezzled, and be imprisoned in the county prison not less than one nor more than twelve months.

SEC. 10. The compensation of the Treasurer of State shall be at the rate of three thousand dollars per annum.

Mr. Green moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Heffren and Cobb,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Cvlver, Green, Hamilton, Hendry, Johnston, Jones, Lomax, McLean, Murray, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner and Wagner—28.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Kinley, Line, McClure, March, Miller, O'Brien, Shoemaker, Slack, Williams and Wilson—18.

So the amendment was laid on the table.

The question recurred, shall the bill be read a third time now.

Mr. Cravens moved the previous question.

The question being, will the Senate second the motion for the previous question?

The ayes and noes were demanded by Senators Conley and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Johnston, Jones, McLean, March, Murray, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Wilson—27.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Hargrove, Heffren, Hendry, Jennings, Kinley, Line, Lomax, McClure, Miller, O'Brien, Shoemaker, Slack, Studabaker and Williams—18.

So the Senate seconded the previous question.

The question being, shall the main question be now put?
Which was agreed to.

The question being, shall the bill be read a third time now?

The ayes and noes being demanded by Senators Conley and Cobb,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Johnston, Jones, Line, McLean, Murray, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Conley, Fisk, Hargrove, Heffren, Hendry, Jennings, Kinley, Lomax, McClure, March, Miller, O'Brien, Shoemaker, Slack and Studabaker—18.

So the motion to read the bill a third time now prevailed; and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Conner, Cooper, Cravens, Craven, Culver, Gooding, Green, Hamilton, Johnston, Jones, Kinley, Line, McLean, Murray, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Turner, Wagner and Williams—28.

Those who voted in the negative were,

Messrs. Bobbs, Carnahan, Cobb, Conley, Fisk, Hargrove, Heffren, Hendry, Jennings, Lomax, McClure, March, Miller, O'Brien, Slack, Tarkington, Thompson and Wilson—16.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Conner,
The Senate adjourned.

2 o'clock, p. m.

The Senate met.

Leave being granted,
Mr. Bobbs presented the petition of members of the Plymouth Congregational Church, for the use of the Senate Chamber during vacation, as a place of divine worship;
Which was referred to the select committee appointed yesterday on a similar subject.

Leave being granted,
Mr. Conner introduced

Senate bill No. 252. A bill to provide for the maintainance of plank roads, when they have been sold pursuant to the judgment of any court, and to define the rights of the purchasers of said roads,
Which was read a first time.

Mr. Johnston moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, March, O'Brien, Robinson, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—40.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Conner,
The bill was referred to the committee on corporations.

Leave being granted,
Mr. Bobbs introduced

Senate bill No. 253. A bill to provide for the maintainance of

plank roads, when they have been sold pursuant to the judgment of any court, and to define the rights of purchasers of such roads,
Which was read a first time.

Mr. Bobbs moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—39.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second time by its title.

On motion,
The bill was referred to the committee on the judiciary.

Leave being granted,
Mr. Shoemaker introduced

Senate bill No. 254. A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18th, 1859, so as to provide for the levy of township taxes for the year 1859, at the June term of the county board,
Which was read a first time.

Mr. Shoemaker moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Line, Lomax, McClure, March, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack,

Steele, Studabaker, Tarkington, Thompson, Wagner, Williams and Wilson—38.

No Senator voting in the negative.

So the rules were suspended and the bill read a sacond time by its title.

Mr. Williams moved to consider the bill as engrossed and to read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Williams and Wilson—39.

Those who voted in the negative were,

Messrs. Conley, Hendry and Thompson—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Slack presented the petition of sundry citizens of the county of Huntington on the subject of the Wabash and Erie Canal;

Which,

On motion,

Was referred to the committee on canals and internal improvements.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

In compliance with a resolution of the House passed to-day, I herewith return to the Senate House bill No. 147. A bill to authorize the directors of any incorporated company to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates therefor.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

House bill No. 131. An act to secure dues from private corporations, and to extend their immunities to all citizens who may organize on the same terms.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof, enrolled bill of the House No. 131.

The President and Secretary signed the bill.

SPECIAL ORDER.

The Senate proceeded to the consideration of Senate bill No. 166, "a bill re-districting the State for courts of common pleas, defining its jurisdiction and powers, and providing for the election, powers and compensation of judges, and for certifying causes, and repealing an act entitled 'an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof,' approved May 14, 1852," made the special order for to-day at 2 o'clock, A. M.

On motion by Mr. Wilson,
The bill was laid on the table.

ORDERS OF THE DAY.

Senate Bills on their Third Reading.

Senate bill No. 61. A bill to amend the third section of an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal an act entitled 'an act to provide for the government and discipline of the State Prison,' approved March 3, 1855, and all other laws or parts of laws inconsistent here-with," approved February 5, 1857,
Was read a third time.

On motion by Mr. McLean,
The bill was laid on the table.

Senate bill No. 117. A bill to amend the 238th and 241st sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," and to provide for the examination of parties as witnesses in civil actions and proceedings,

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hendry, Jones, Kinley, Line, McLean, March, Murray, Rice, Shoemaker, Steele, Stevens, Turner and Wilson—26.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Conner, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, Odell, Robinson, Slack, Studabaker, Tarkington, Thompson and Williams—16.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 119. A bill to amend section 5 of an act entitled "an act concerning the partition of land,"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 120. A bill to amend an act entitled "an act to amend an act entitled 'an act defining misdemeanors, and prescribing punishment therefor,' approved February 19, 1857,"
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cravens, Craven, Gooding, Hendry, Jennings, Line, March, Murray, O'Brien, Rice, Robinson, Steele, Stevens, Studabaker and Turner—20.

Those who voted in the negative were,

Messrs. Beeson, Carnahan, Cobb, Conley, Conner, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Johnston, Jones, Kinley, Lomax, McClure, McLean, Odell, Shoemaker, Slack, Thompson, Wagner, Williams and Wilson—24.

So the bill did not pass.

Senate bill No. 121. A bill to protect those who exhibit animals or articles at any agricultural exhibitions, and to punish any person or persons who may be detected in the removal of any label placed on any animal or article placed on exhibition, and to punish persons who may enter fair grounds, or other places of agricultural exhibitions contrary to the rules of the society regulating the admission of persons to the same,
Was read a third time.

On motion by Mr. Line,
The bill was recommitted to a select committee with instructions to amend the bill by striking out the fourth section thereof.

The President appointed Senators Line, Tarkington and O'Brien said select committee.

Senate bill No. 122. A bill supplemental to an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal 'an act to provide for the government and discipline of the State Prison,' approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857,
Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner,

Cobb, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner and Wilson—37.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Hargrove and Johnston—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Slack introduced

Senate bill No. 255. A bill to provide for the application of any susplus that may remain in the hands of the Auditor of State, after the redemption of the circulation of any bank or banking association, has received on deposit money belonging to the State, and has failed to pay the same,
Which was read a first time.

Mr. Slack moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—38.

Those who voted in the negative were,

Messrs. Bennett, Hargrove and Johnston—3.

So the rules were suspended and the bill was read a second time by its title.

Mr. Johnston moved to amend the bill by adding the following proviso in the proper place :
Provided, however, That nothing in this act shall be so construed as to release the Treasurer of State from any liability he may now

be under, except so far as the claim may be recovered from said bank by the State.

On motion by Mr. Heffren,
The bill and pending amendment was referred to a select committee of five.

The President appointed Senators Heffren, Slack, Conner, Steele and Cobb said select committee.

Senate bill No. 127. A bill to amend the 18th, 25th and 26th sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson—40.

Those who voted in the negative were,

Messrs. Conner, Heffren, McClure and Williams—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Line, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 121, "a bill to protect those who exhibit animals or articles at any agricultural exhibition, and to punish any person or persons who may be detected in the removal of any label placed on any animal or article placed on exhibition, and to punish persons who may enter fair grounds or other places of agricultural exhibitions, contrary to the rules of the society regulating the admission of persons to the same," have had the same under consideration and have directed me to report the same back with the following amendment, and when so amended to recommend its passage:
Amend by striking out section four and inserting the following:

SEC. 4. All fines assessed and collected for a violation of either of the provisions of this act, shall be paid into the county treasury for the benefit of common schools, and shall be paid out in the same manner that other fines and penalties are paid out for common school purposes.

Which report was concurred in, and the amendment was considered and adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Hamilton, Hendry, Johnston, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—35.

Those who voted in the negative were,

Messrs. Anthony, Green, Hargrove, Lomax and McClure—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Wagner, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 99, "a bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and to repeal all laws and parts of laws in conflict with the provisions of this act," have had the same under consideration and have directed me to report the same back with the following amendments, in accordance with the instructions of the Senate:

Strike out "January," and insert "March," in section four; also add the following section:

SEC. —. If any person or persons shall net any quail or partridge at any time, except upon his or their own premises, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum of not less than three nor more than twenty-five dollars for each offense.

Which report was concurred in.

The amendments were separately considered.

The first amendment proposed by the committee was adopted.

Mr. Bobbs moved to lay the second amendment on the table.

The ayes and noes being demanded by Senators Murray and Heffren,

Those who voted in the affirmative were,

Messrs. Bobbs, Brown, Carnahan, Conner, Gooding, Jennings, Lomax, McLean, March, Murray, Rice, Steele, Stevens, Thompson, Wagner and Williams—16.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Blair, Cobb, Conley, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Jones, Kinley, Line, McClure, Miller, O'Brien, Odell, Robinson, Shoemaker, Studabaker, Tarkington, Turner and Wilson—26.

So the second amendment, proposed by the committee, was not laid on the table.

The question recurred, shall the second amendment be adopted?
Which was agreed to.

Mr. Williams moved to amend section eight, by adding after the word "killed," the words "or who may have permission from the owners of the premises."
Which was unanimously agreed to.

Mr. Craven moved the previous question.

The question being, will the Senate second the motion for the previous question?

The ayes and noes being demanded by Senators Hamilton and Studabaker,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conley, Cravens, Craven, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Jones, Kinley, Line, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Stevens, Tarkington, Turner, Wagner and Williams—32.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conner, Culver, Hamilton, Jennings, Johnston, Lomax, Robinson, Slack, Studabaker, Thompson and Turner—13.

So the motion for the previous question was seconded by the Senate.

The question being, shall the main question be now put?
Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Conley, Craven, Fisk, Heffren, Hendry, Jones, Line, Miller, Murray, O'Brien, Steele, Turner, Wagner and Williams—18.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Carnahan, Cobb, Conner, Culver, Gooding, Green, Hamilton, Hargrove, Jennings, Johnston, Kinley, Lomax, McClure, McLean, March, Odell, Rice, Robinson, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Thompson and Wilson—27.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Slack, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred Senate bill No. 255, "a bill to provide for the application of any surplus that may remain in the hands of the Auditor of State after the redemption of the circulation of any bank or banking association, where such bank or banking association has received on deposit, money belonging to the State, and has failed to pay the same," have had the same under consideration and have directed me to report the same back and recommend its passage without amendment.
Which report was concurred in.

Mr. Slack moved to consider the bill as engrossed and read the same a third time now.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Blair, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Conner, Culver, Green, Stevens and Tarkington—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 128. A bill in relation to the publication of legal advertisements,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bobbs, Green, March, Murray, Rice, Steele, Stevens, Turner and Wagner—8.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Wagner, Williams and Wilson—36.

So the bill did not pass.

Senate bill No. 129. An act declaring the having of carnal knowledge of an insane woman, in certain cases, a felony, and prescribing punishment thereof,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carna-

han, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—43.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 132. A bill for the protection of the Sabbath, with penalties for the violation thereof, and to repeal an act entitled "an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28th, 1855,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Conley, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Turner, Williams and Wilson—33.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Cobb, Conner, Culver, Jennings, Studabaker, Thompson and Wagner—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 136. A bill for the recovery of damages from any officer of this State, who shall illegally charge, demand or collect more than is legally due him as fees, and requiring him to receipt for all money collected,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones,

Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson —44.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren moved to amend the title by adding after the word "officer" the words, "holding his office under any law."
Which was unanimously agreed to.

Senate bill No. 138. A bill to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant librarian,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Jennings, Johnston, Jones, Kinley, Line, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Williams and Wilson —37.

Those who voted in the negative were,

Messrs. Conner, Lomax and Wagner—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 139. A bill entitled an act for the protection of side walks in incorporated towns and villages within this State, and for the punishment of persons injuring or obstructing the same,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb,

Conner, Craven, Fisk, Green, Hamilton, Hargrove, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Shoemaker, Steele and Wilson—24.

Those who voted in the negative were,

Messrs. Anthony, Conley, Heffren, Hendry, Johnston, Lomax, Rice, Robinson, Studabaker, Thompson, Wagner and Williams—13.

So the bill did not pass.

Leave being granted,
Mr. Kinley introduced

Senate bill No. 256. A bill to aid and encourage the Indiana association for the advancement of science, and to aid in the diffusion of useful knowledge in the State,

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Heffren,
The Senate adjourned.

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7 o'clock, p. m.

The Senate met.

SENATE BILLS ON THEIR SECOND READING.

Senate bill No 241. A bill extending to the sinking fund board as re-organized, the powers exercised by the old board and applying to the new board the laws that governed the old as far as applicable to the new,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 243. A bill to amend section 23 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.

Was read a second time.

On motion by Mr. Green,
The bill was referred to a select committee of five.

The President appointed Senators Green, March, Studabaker, Cobb, and Anthony said select committee.

Senate bill No. 245. A bill to enforce the 13th article of the Constitution and to prevent negroes or mulattoes, or persons having one-eighth or more negro blood, from coming into this State or settling herein, and providing penalties therefor,
Was read a second time.

Mr. Green moved to amend the bill by adding :
SEC. 4. That if the Being set forth in this act be a mulatto male, born of negro and Indian parents, or the negro or any of the copper-colored races of Central America, then he shall not be sold, but shall be by the United States Marshal returned to any southern slaveholder who may be convinced of the shortness of the life of the said mulatto of white and negro blood, and being desirous to improve the stock of the African race.

Mr. Heffren moved to refer the bill and pending amendment to a select committee of five.
Which was agreed to.

The President appointed Senators Heffren, Kinley, Tarkington, Hendry and Wilson said select committee.

Senate bill No. 244. A bill to amend the 8th section of an act entitled "an act for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereof, and certain forms to be used in such settlements," approved June 17, 1852.
Was read a second time, and
On motion by Mr. Green,
Referred to the select committee in charge of Senate bill No. 243.

Senate bill No. 247. A bill fixing the compensation of Governor of the State, and members of the General Assembly,
Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 248. A bill to amend section twenty-six of an act entitled "an act to provide for the opening, vacating and changing of highways," approved June 17, 1852,
Was read a second time, and
Referred to the committee on the judiciary.

The following messages from the House were taken up.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 94. A bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852. Also,

House bill No. 108. A bill to prevent the gathering of cranberries from any of the public, State or non-resident lands of this State, and providing penalties therefor. Also,

House bill No. 152. A bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for admissibility in evidence of the same, or copies thereof. Also,

House bill No. 178. A bill fixing the time of holding courts of common pleas, and the length of terms thereof in the county of Blackford, and repealing all laws in conflict therewith. Also,

House bill No. 270. An act declaring it to be a misdemeanor, to break down, or remove any fence or enclosure of any railroad, and prescribing the penalty,

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 94, 108, 152, 178, and 270, contained in the foregoing message,

Was each read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 156. An act authorizing appeals from the circuit courts to the supreme court, in contested election cases. Also,

House bill No. 122. A bill to authorize the holders of unauthorized paper currency, to sue for and recover from persons who have issued the same, as for money had and received, without making previous holders parties to the suits, and making such currency evidence of the indebtedness. Also,

House bill No. 183. A bill to authorize county auditors to collect moneys belonging to the common school fund by suit or otherwise, and providing compensation for his services, also to provide punishment for a failure to perform any duties required therein. Also,

House bill No. 221. An act fixing the time for holding the circuit courts in the 12th judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith. Also,

House bill No. 225. A bill to amend the 94th section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State. Also,

House bill No. 258. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or adjoining States, and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853. Also,

House bill No. 300. An act providing that certain notices of public sales and other legal notices therein named shall be published in some newspaper printed at the county seat of the county wherein such notices are to be given in all cases where a newspaper of general circulation is published at such county seat.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 156, 122, 183, 221, 225, 258 and 300, contained in the foregoing message,

Were each read a first time and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 176. An act to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852. Also,

House bill No. 165. An act to amend the 18th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852. Also,

House bill No. 149. A bill amendatory of an act concerning the partition of lands," approved May 20, 1852, to amend sections 11 and 18 thereof. Also,

House bill No. 186. A bill to amend section 103 of an act entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms in criminal cases in the courts of this State," approved June 17, 1852.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 186, 176, 165 and 149, contained in the foregoing message,

Were each read a first time and passed to a second reading on tomorrow.

A message from the House by Mr. Ryan, its clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 58. A bill relative to the making requisitions for and the delivery up of fugitives from justice. Also,

House bill No. 72. A bill to amend sections one and two of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1853, and to provide for the manner of service of process. Also,

House bill No. 91. A bill to provide for the transfer from justices of the peace to the circuit courts or court of common pleas of certain cases therein named.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 58, 72 and 91, contained in the foregoing message,

Were each read a first time and passed to a second reading on tomorrow.

Mr. Hendry moved to suspend the rules and to read House bill No. 58, contained in the foregoing message, a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Gooding, Green, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Williams and Wilson—36.

No Senator voting in the negative.

So the rules were suspended, the bill read a second time and passed to a third reading on to-morrow.

A message from the House by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House to inform the Senate that the House has passed the following engrossed bills thereof, viz:

House bill No. 267. A bill prescribing the time of holding and the length of terms of the courts in the third judicial circuit. Also,

House bill No. 268. A bill prescribing the time of holding the courts of common pleas in the several counties therein named.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 267 and 268, contained in the foregoing message, Were each read a first time.

Mr. Carnahan moved to suspend the rules and read House bill No. 268 aforesaid, a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Gooding, Green, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner and Wilson—34.

Senators Wagner and Wilson voting in the negative.

So the rules were suspended and the bill was read a second time by its title.

Mr. Carnahan moved to read the bill a third time now.
Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Gooding, Green, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner and Wilson—34.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Steele,

Senate bill No. 226. A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and Missionary boards," approved May 13, 1852.
Was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—39.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 143. A bill to regulate and restrain the sale, barter or giving away of spirituous and intoxicating liquors to be used

as a beverage, and to prohibit the sale, barter or gift of the same to certain persons under certain circumstances, and to punish any violations of the provisions of this act, and declarative of the duties of district and city attorneys in relation thereto, and fixing the penalty for neglect or failure to discharge said duties,

Was laid on the table.

Senate bill No. 146. A bill to provide for the publication of all acts and joint resolutions of the General Assembly which contains an emergency clause in one weekly newspaper of the several counties of the State in which one is published, and the time that said act shall take effect.

Was read a third time.

Mr. Johnston moved to recommit the bill with instructions to amend the same by striking out all that part requiring the publication of laws in county newspapers.

Mr. Heffren moved to lay the motion to recommit with instructions on the table.

The ayes and noes being demanded by Senators Johnston and Shoemaker.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Conley, Craven, Culver, Green, Heffren, Hendry, Jennings, Jones, Kinley, March, Odell, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Wilson—24.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Gooding, Hargrove, Johnston, Lomax, McClure, O'Brien, Robinson, Shoemaker, Studabaker, Williams and Wilson—14.

So the motion to recommit with instructions was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Green, Heffren, Hendry, Jennings, Jones, Kinley, McClure, March, O'Brien, Odell, Slack, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—29.

Those who voted in the negative were,

Messrs. Gooding, Hargrove, Johnston, Lomax, Miller, Shoemaker, Studabaker, Williams and Wilson—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 148. A bill to repeal an act entitled "an act to prevent railroad companies from changing their depots except on conditions therein named.

Was read a third time, and

On motion,

Laid on the table.

Senate bill No. 151. A bill entitled "an act to authorize appeals from the circuit courts within this State to the supreme court in contested election cases."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Jennings, Jones, Kinley, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—36.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 153. A bill to fix the time of holding courts of common pleas in the counties of DeKalb and Steuben, and to repeal all laws heretofore passed on that subject.

Was read a third time.

Mr. Hendry moved to amend section one by striking out from the word "and" to the word "year," and insert "and in the county of DeKalb the said court shall be held on the 3d Monday in January, the 2d Monday in April, the 4th Monday in August and the 3d Monday of November in each year.

Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Gooding, Green, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Stevens, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—36.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 152. A bill to repeal the 5th section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in other adjoining States, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and to use and occupy the same when completed,

Was read a third time, and laid on the table.

Senate bill No. 154. A bill requiring parties in civil suits to advance the fees of sheriffs in cases therein specified,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bobbs, Carnahan, Conner, Hargrove, Hendry, Jennings, Jones, March, Miller, O'Brien, Shoemaker, Stevens, Tarkington and Williams—14.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Cobb, Conley, Craven, Gooding, Green, Heffren, Johnston, Kinley, Lomax, McClure, Odell, Robinson, Slack, Steele, Studabaker, Thompson, Turner, Wagner and Wilson—23.

So the bill did not pass.

Leave being granted,

Mr. Wagner, from the committee on education, made the following report:

Mr. President:

The committee on education, to whom was referred House bill No. 5, "a bill incorporating school townships, defining their powers, requiring the title to school lots to be vested in the corporate name of the township, town or city in which the same is situated; authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and trustees of an incorporated town to levy all taxes for schools and for building and repair of school houses, and to repeal all laws inconsistent with this act," have had the same under consideration and direct me to report it back and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Senate bill No. 150. A bill declaring the selling or conveying of land, without title, a felony, and prescribing punishment therefor,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Gooding, Green, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner and Wilson—37.

Those who voted in the negative were,

Messrs. Wagner and Williams—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Bobbs, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred the memorial of William Sheets, praying relief in the matter of the Central Canal, as lessee of water power from the State, have had the same under consideration, and direct me to report back the following bill and recommend its passage.

Which report was concurred in, and

Senate bill No. 257. A bill for the relief of the lesses from the State of the water power and other privileges on the northern division of the central canal, contained in the foregoing report,

Was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Turner introduced

Senate bill No. 258. A bill to amend the fourth section of "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857,

Which was read a first time and passed to a second reading on to-morrow.

Leave being granted,

Mr. Kinley offered the following preamble and resolution:

WHEREAS, Professor Caleb Mills has, in compliance with the request of the committee on education, furnished this body with valuable suggestions and statistical information on the subject of the common schools of the State; therefore,

Resolved, That the State Printer be instructed to print and bind as a supplement to the forthcoming report of the Superintendent of of Public Instruction, the suggestions on the revision of the common school law of the State of Indiana, made to said committee by said Mills;

Which,

On motion,

Was laid on the table.

Senate bill No. 163. A bill relinquishing to William English, of Dearborn county, the interest acquired by the State of Indiana, by escheat, in and to in-lot No. 33, in Rossville, in said county,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Green, Hargrove, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Lomax, McClure, March, O'Brien, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—34.

Senator Beeson voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 162. A bill to amend the 84th section o an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Conner, Green, Hargrove, Hendry, Johnston, March and Tarkington—9.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Conley, Heffren, Jennings, Kinley, Lomax, McClure, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—24.

So the bill did not pass.

On motion by Mr. Heffren,
The Senate adjourned.

SATURDAY MORNING, 9 o'clock,
February 26, 1859.

The Senate met.

The reading of the Journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 106, "a bill to provide for the relief of purchasers of real estate at sheriff's sales under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the Revised Statutes of 1852 took effect, and where such sureties being the owners of such real estate had sold and conveyed the same after becoming such recognizors, but before judgments of forfeiture thereof had been taken," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

Amend by inserting after the word "same," in the 11th line of the first section, the following: "And received the pay therefor in good faith, without any intention to avoid the payment of the forfeited recognizances, or any part thereof."

Which report was concurred in.

The question being, shall the amendment be adopted?

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred the petition of John Yount, for relief as lessee of the State for water power of central canal, have had the same under consideration and have directed me to report the same back to the Senate and recommend that it lie on the table, as a bill has already been reported covering the subject matter of said petition.

Which report was concurred in.

Mr. Anthony, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 239, "a bill supplemental to an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and the contest thereof," approved May 31, 1852, have had the same under consideration and

direct me to report the same back to the Senate and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed, and passed to a third reading on to-morrow.

Mr. Slack, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 232, "an act to amend section 19 of chapter 1, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Conner, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 252, being "a bill to provide for the maintainance of plank roads where they have been sold pursuant to the judgment of any court, and to define the rights of purchasers of such roads," have had the same under consideration and have directed me to report the accompanying amendment, and when so amended recommend its passage:

Amend as follows: strike out section four.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Blair, chairmain of the committee on county and township business, made the following report:

MR. PRESIDENT:

The committee on county and township business, to whom was referred Senate bill No. 9, "a bill for the creation of townships, election of trustees, mode of assessing township tax and doing township business; also, Senate bill No. 14, "a bill to amend the first section of an act entitled an act to amend the fifth section of an act entitled an act for the more uniform mode of doing township business," approved May 6, 1852; also, "a memorial of sundry citizens of the counties of Vanderburgh and Posey, respecting the township sys-

tem," have had the same under consideration and instruct me to report the same back and recommend that they lie upon the table, as their subject matter has already been incorporated into a bill that has passed and become a law.

Which report was concurred in.

Mr. Lomax, from the committee on rights and privileges, made the following report:

MR. PRESIDENT:

The committee on rights and privileges, to whom was referred Senate bill No. 190, "a bill to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and defining their powers," have had the same under consideration and have directed me to report it back with the following amendment, and when so amended to recommend its passage:

Strike out all after the word "otherwise," in line twenty-six, and insert the following:

Provided nevertheless, That said board of commissioners shall at any meeting thereof, have the right, and they are hereby empowered to strike the name of any member from such association, if they deem the public good to require it, and that such examination may from time to time be had. It shall be the duty of the secretary or clerk of such association to report under oath the name of each and every member of such association, with their respective places of residence, whenever the board of commissioners of the county shall require it, under the penalty of forfeiting their corporate privileges and powers; said articles of association shall be filed and recorded in the office of the county recorder of the county in which a majority of the members of said company may reside, and a certified copy of said record shall be received as evidence in any court of this State, of the existence of such company and membership of any person belonging thereto.

SEC. 3. Whenever said articles of association shall be filed, as above provided, the said company under the name and style which they may designate, shall be a body politic and corporate, and by such name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of competent jurisdiction in this State, and shall have succession during any time, not exceeding ten years, as provided in the second section of this act; may have and use a common seal and alter the same at pleasure.

SEC. 4. Said corporation may elect or appoint all such officers as they deem necessary for their organization, who shall severally hold their offices and perform the duties that may be required of them by such company; said officers shall serve either for or without compensation as said company may direct.

SEC. 5. A majority of said company shall have power to adopt a constitution and by-laws for their government, and enforce obedi-

ence to the same, which constitution and by-laws shall be consistent with the constitution and laws of this State and of the United States.

SEC. 6. Such number of members shall form a quorum to transact business and sit upon their own adjournments, or call meetings, under such regulations as said company may adopt.

SEC. 7. Said corporation may at any time add to their members under other limitations prescribed in this act, and may expel members in such manner and for such cause as may be prescribed in the constitution and by-laws of such company.

SEC. 8. Whenever a new member has been admitted or a member expelled, such fact shall be certified by the proper officer of such company and recorded in the office of the county recorder where the original articles of association have been recorded.

SEC. 9. Such company may receive donations in money or other property, to be applied to the purposes of their organization, and assess taxes or impose fines upon their members, as may be prescribed in their constitution and by-laws.

SEC. 10. Such company shall have power to call to their aid the peace officers of this State in accordance with law in the pursuit and apprehension of felons and reclaiming stolen property, and each and every one of the members of such company when engaged in arresting offenders against the criminal laws of this State shall be entitled to all the rights and privileges of constables.

SEC. 11. That if any one or more of the members of such company shall, as members of such company, violate or offend against any of the laws of this State to the injury of any person or persons, he or they so offending shall be held liable for such injury the same as any other person or persons would be, not a member or members of any such company, and the company to whom such person or persons shall or may belong shall likewise be held accountable for the same.

Which report was concurred in.

The question being shall the amendments be adopted?

Which was agreed to.

The bill was ordered to be engrossed and read a third time on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Green, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 243, "a bill to amend the 23d section of an act entitled 'an act defining who may make a will, the effect thereof, what may be devised, regu-

lating the revocation, admission to probate and contest thereof," approved May 31, 1852, have had the same under consideration and direct me to report it back and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Green, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 244, "a bill to amend the 8th section of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, have had the same under consideration and have directed me to report the same back without amendment and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

Leave being granted,

Mr. Shoemaker, from the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads to whom was referred Senate bill No. 224, "a bill authorizing and empoweriug supervisors of highways to keep in repair roads changed by the construction or running of railroads," have had the same under consideration and have directed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Shoemaker moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Fisk, Green, Hendry, Jennings, Johnston, Jones, Kinley, McLean, March, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—27.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Craven, Hargrove, Heffren, Line, Lomax, Miller, Murray, O'Brien and Odell—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment engrossed bill of the Senate, No. 255. A bill to provide for the application of any surplus that may remain in the hands of the Auditor of State, after the redemption of the circulation of any bank or banking association, where such bank or banking association has received on deposit money belonging to the State, and has failed to pay the same.

Mr. Bobbs, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 222, "a bill to prescribe the mode of taxing the Bank of the State of Indiana, to repeal the 15th section of its charter, and to prohibit said bank from issuing on its deposits," have had the same under consideration and have directed me to report the same back with several amendments, aad when so amended they recommend the passage of the bill:

First, Strike out section 1 after the enacting clause and insert the following:

That there shall be asssessed and collected from the Bank of the State and each of its branches, the same rate of taxation for all State, county and municipal purposes as the property of individuals is, or may be required to be taxed in the place where the said Bank or any of its branches are located, and such tax shall be collected and paid over in the same manner that taxes on other personal property and real estate are required by law to be collected and paid over: *Provided however*, That the capital stock of any branch shall not be returned or taxed for a less amount than its capital stock paid in.

Strike out section 2 and insert the following:

SEC. 2. During the month of January of each year the cashier and president of the Bank of the State shall cause to be filed, under oath, with the Auditor of the county and with the proper officer or

officers of the city, borough or town in which the same is situated, the real estate and other property held by such bank; and the directors of each branch of said bank shall cause to be filed with the auditor of the county and with the proper officer or officers of the the city, borough or town in which it is situated under the oath of the president or cashier, a statement of its capital stock paid in, together with the notes discounted and bills of exchange, as also the real estate and other property held by such branch at their cash value on the first day of January in each year, and the amount so returned shall be placed on the duplicate of the county for State and county taxes, and on the duplicate of the proper city, borough or town for municipal taxes; *Provided*, That when the notes discounted and bill of exchange of any branch exceeds the capital stock paid in, then only the excess thereof, together with the capital stock paid in, shall constitute the amount so required, to be placed upon the duplicate as aforesaid.

Third, Strike out of section 3 the first, second and third lines, and to the word "act" in the fourth line, and insert the following:

If the bank or any of its branches shall fail or refuse to pay the taxes assessed against it or any of its branches as prescribed in this."

Fourth. Insert after the work "if," in the first line of the fourth section, the words "said bank or," and after the word "branch" the word "thereof." Insert after the word "bank," in the sixth line of the same section, the words "or branch," and after the word "paid in," in the ninth line, the following: "And the several items of taxation required to be placed upon the duplicate as specified in the second section of this act;" and insert after the word "and," in the twelfth line, the words "said bank or."

Fifth. Insert in the first line of section five, before the word "section," the following: "The taxes required to be paid by the bank, or any of its branches, as herein provided, shall be in lieu of all other taxes required to be paid by the said bank and branches."

Sixth. Strike out the sixth section of the bill.

Which report was concurred in.

The question being shall the amendments be adopted?

Which was agreed to, and

The bill ordered to be engrossed and read a third time on to-morrow.

Mr. Rice, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 249, "an act for the formation of new counties, and providing for the organization thereof," have had the same under consideration and have directed me to report it back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Leave being granted,
Mr. March introduced

Senate bill No. 259. A bill to prohibit persons from preventing, hindering or delaying specie payments by the banks of this State,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Jones moved to reconsider the vote by which Senate bill No. 146 was passed on yesterday.

Mr. Heffren moved to lay the motion to reconsider the vote on the table.

The ayes and noes being demanded by Senators Conley and Jones,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Conley, Conner, Craven, Culver, Fisk, Green, Heffren, Hendry, Kinley, McClure, McLean, Miller, Murray, Odell, Rice, Slack, Steele and Stevens—22.

Those who voted in the negative were,

Messrs. Anthony, Bobbs, Brown, Cobb, Gooding, Hamilton, Hargrove, Johnston, Jones, Line, Lomax, Robinson, Shoemaker, Thompson, Turner, Wagner, Williams and Wilson—18.

So the motion to reconsider was laid on the table.

Leave being granted,
Mr. Williams offered the following resolution:

Resolved, That during the remainder of this session, the Senate will meet at $8\frac{1}{2}$ A. M. and $1\frac{1}{2}$ P. M.
Which was laid over for one day under the rules.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendment, the following engrossed bill of the Senate:

Senate bill No. 25. A bill for the investment, distribution and safe-keeping of the funds arising from the 113th and 114th sections of "an act establishing a State bank," approved January 28, 1834, and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named.

Mr. Murray, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the memorials of the congregations of the Cumberland Presbyterian Church and of Plymouth Congregational Church, of Indianapolis, asking the use of the Senate Chamber, during the recess of the Legislature, for the purpose of public worship, have had the same under consideration, and have directed me to report the following resolution for adoption:

Resolved, That the use of the Senate Chamber be granted to the congregations of the Cumberland Presbyterian and Plymouth Congregational Churches, of Indianapolis, for public worship, the times to be occupied by each to be regulated by the said congregations respectively.

Mr. Gooding moved to amend the reported resolution by adding thereto:

Provided, That the desks and seats in the chamber shall not be removed.

Mr. Johnston moved to amend the amendment "so that all religious denominations shall have the use of this hall alternately when applied for."

Mr. Hargrove moved to lay the resolution and pending amendments on the table.

Mr. Green called for a division of the question.

The question then being, shall the amendment to the amendment be laid on the table?

The ayes and noes being demanded by Senators ——— and Heffren,

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Brown, Carnahan, Cobb, Cravens, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Kinley, Line, Lomax, McLean, March, Murray, O'Brien, Odell, Rice, Slack, Stevens and Turner—25.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Conley, Conner, Craven, Fisk, Johnston, Miller, Robinson, Shoemaker, Tarkington, Thompson, Wagner, Williams and Wilson—16.

So the amendment to the amendment was laid on the table.

Mr. Hargrove withdrew his motion to lay on the table.

Whereupon Mr. Gooding withdrew the amendment.

The question then put was, shall the resolution be adopted?

The ayes and noes were demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Gooding, Green, Hamilton, Jennings, Jones, Kinley, McLean, March, Murray, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wagner and Williams—29.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Conner, Fisk, Hargrove, Heffren, Hendry, Johnston, Line, Lomax, Miller, Odell and Tarkington —15.

So the resolution was adopted.

Leave being granted,
Mr. March introduced

Senate bill No. 260. A bill to prohibit the taking of books from the State library, and repealing all laws in conflict therewith,
Which was read a first time and passed to a second reading on tomorrow.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 255. An act to provide for the application of any surplus that may remain in the hands of the Auditor of State after the redemption of the circulation of any bank or banking association, where such bank or banking association has received on deposit, money belonging to the State, and has failed to pay the same.

On motion by Mr. Heffren,
The following message from the House was taken up:

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit:

Senate bill No. 102. A bill to amend the third section of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties and providing compensation for the judges thereof," with the following engrossed amendments of the House thereto:

Strike out all after the words "be amended to read as follows," and insert the following:

For the purpose of electing judges of the court of common pleas the State shall be divided into districts as follows:

Posey, Vanderburgh, Warrick and Gibson, shall be a district; Knox, Davis, Pike and Martin, a district; Spencer, Perry, Dubois, Crawford and Orange, a district; Harrison, Floyd, Washington, Clark and Scott, a district; Jefferson, Switzerland, Ohio, Ripley and Dearborn, a district; Franklin, Fayette, Union and Wayne, a district; Jackson, Jennings, Bartholemew and Lawrence, a district; Morgan, Johnson, Shelby, Monroe and Brown, a district; Green, Clay, Owen and Putnam, a district; Vigo, Parke and Sullivan, a district; Rush, Henry, Hancock, Madison and Decatur, a district; Marion, Hendricks and Boone, a district; Montgomery, Vermillion, Fountain and Warren, a district; Hamilton, Tipton, Clinton, Howard and Grant, a district; Tippecanoe, Benton, White and Carroll, a district; Lake, Porter, Jasper, Stark and Pulaski, a district; Laporte, St. Joseph, Marshall and Elkhart, a district; Lagrange, Steuben, DeKalb, Noble and Whitley, a district; Allen, Adams, Huntington and Wells, a district; Cass, Miami, Fulton, Kosciusko and Wabash, a district; in each of which districts there shall be elected a common pleas judge on the 2nd Tuesday in October, A. D., 1860, and every fourth year thereafter.

SEC. 2. The annual salary of the judges of the court of common pleas shall be one thousand dollars.

SEC. 3. The court of common pleas shall set at the court house of the proper county and shall hold three terms a year, beginning with the first Monday in January annually, and then on the first Monday of every fourth year thereafter; *Provided*, That if the circuit court of said county shall be in session at the time, the common pleas shall be held on the Monday succeeding the term of the circuit court.

SEC. 4. Sections 29 and 30 of "an act to establish courts of common pleas and defining the jurisdiction and duties of, and providing compensation for the judges thereof," be and the same are hereby repealed.

SEC. 5. Nothing in this act shall be so construed as to prevent

the judges now acting from serving as such in the districts in which they were elected respectively, nor shall sections two and four of this act take effect and be in force until the judges elected at said October election in 1860, shall be commissioned and qualified.

Amend the title by adding the following:

"And repealing sections 29 and 38 of said act."

Mr. Steele moved to refer the bill and engrossed amendments of the House to a select committee of one from each Congressional District.

Mr. Cobb moved to lay the motion to refer on the table.

The ayes and noes being demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hargrove, Heffren, Hendry, Johnston, Kinley, Lomax, March, O'Brien, Shoemaker, Stevens, Thompson and Wilson —21.

Those who voted in the negative were,

Messrs. Blair, Bobbs, Conner, Cravens, Gooding, Green, Hamilton, Jennings, Jones, Line, McLean, Miller, Murray, Odell, Rice, Steele, Tarkington, Turner and Wagner—21.

So the motion to refer to a select committee was not laid on the table.

The question recurred, shall the bill and engrossed amendments be referred to a select committee.

The ayes and noes being demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Conner, Cravens, Gooding, Green, Hamilton, Jennings, Jones, Line, McLean, March, Miller, Murray, Odell, Rice, Robinson, Slack, Steele, Tarkington, Turner, Wagner and Williams —23.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Craven,

Culver, Fisk, Hargrove, Heffren, Hendry, Johnston, Kinley, Lomax, O'Brien, Shoemaker, Stevens and Thompson—20.

So the motion to refer to a select committee was agreed to.

Mr. Cravens moved to instruct the committee to so amend the bill as to make Jefferson, Switzerland and Ohio a district.

Which,

On motion,

Was laid on the table.

Mr. Tarkington moved to instruct the committee to so amend the bill as to make Monroe, Owen, Green, Sullivan and Clay a district.

Mr. McLean moved to lay the motion on the table.

Which was agreed to.

Mr. Turner moved to reconsider the vote by which the bill and engrossed amendments were referred to a select committee.

Mr. Rice moved to lay the motion to reconsider on the table.

The ayes and noes were demanded by Senators Rice and Wagner.

Those who voted in the affirmative were,

Messrs. Beeson, Conner, Cravens, Gooding, Green, Jennings, McLean, Miller, Murray, Odell, Rice, Slack, Steele, Tarkington, Thompson and Wagner—16.

Those who voted in the negative were,

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hamilton, Hargrove, Heffren, Hendry, Johnston, Jones, Kinley, Line, Lomax, McClure, March, O'Brien, Robinson, Shoemaker, Stevens, Turner, Williams and Wilson—28.

So the motion to reconsider was not laid on the table.

The question recurred, shall the vote be reconsidered by which the bill and engrossed amendments were referred to a select committee.

The ayes and noes were demanded by Senators Conley and Wagner.

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hargrove, Heffren, Hendry, Johnston, Jones, Kinley,

Lomax, March, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner and Wilson—24.

Those who voted in the negative were,

Messrs. Beeson, Conner, Cravens, Gooding, Green, Hamilton, Jennings, Line, McLean, Miller, Murray, Odell, Rice, Slack, Steele, Tarkington, Wagner and Williams—18.

So the vote by which the bill and engrossed amendments were referred to a select committee was reconsidered.

Mr. Heffren moved to lay the motion to refer to a select committee on the table.

The ayes and noes were demanded by Senators Wagner and Heffren.

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hargrove, Heffren, Hendry, Johnston, Jones, Kinley, Lomax, March, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner and Wilson—24.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Conner, Cravens, Gooding, Green, Hamilton, Jennings, Line, Miller, Murray, Odell, Rice, Slack, Steele, Tarkington, Wagner and Williams—18.

So the motion to refer to a select committee was laid on the table.

Mr. Cravens moved that the Senate refuse to concur in the engrossed amendments of the House.

Mr. Cravens moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
Which was agreed to.

The question being, will the Senate refuse to concur to the engrossed amendments of the House?

The ayes and noes were demanded by Senators Heffren and Conley.

Those who voted in the affirmative were,

Messrs. Blair, Conner, Cravens, Gooding, Green, Hamilton, Jennings, Jones, Line, March, Miller, Murray, Odell, Rice, Slack, Steele, Tarkington and Wagner—18.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hargrove, Heffren, Hendry, Johnston, Kinley, Lomax, McLean, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner, Williams and Wilson—25.

So the motion to refuse the concurrence of the Senate to the engrossed amendments of the House was not agreed to.

Mr. Heffren moved that the engrossed amendments of the House be concurred in.

Mr. Cravens moved to postpone the further consideration of the bill, engrossed amendments of the House, and the pending motion until Monday next at 2 o'clock, P. M., and make them the special order for that hour.

Mr. Conley moved to lay the motion to postpone on the table.

The ayes and noes were demanded by Senators Conley and Heffren.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Conner,Craven, Culver, Fisk, Hargrove, Heffren, Hendry, Johnston, Kinley, Lomax, McLean, March, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner and Wilson—25.

Those who voted in the negative were,

Messrs. Blair, Bobbs, Cravens, Gooding, Green, Hamilton, Jennings, Jones, Line, Miller, Murray, Odell, Rice, Slack, Steele, Studabaker, Tarkington, Wagner and Williams—18.

So the motion to postpone was laid on the table.

Mr. Cravens moved to lay the motion to concur in the engrossed amendments of the House on the table.

The ayes and noes were demanded by Senators Cravens and Heffren.

Those who voted in the affirmative were,

Messrs. Conner, Cravens, Gooding, Green, Hamilton, Jennings, Jones, Line, March, Miller, Murray, Odell, Rice, Slack, Steele, Studabaker, Tarkington and Wagner—18.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hargrove, Heffren, Hendry, Johnston, Kinley, Lomax, McLean, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner, Williams and Wilson—26.

So the motion to concur was not laid on the table.

Mr. Gooding moved to amend the motion to concur, by concurring in the engrossed amendments of the House, with the following amendment:

Amend by attaching the county of Hancock to the district composed of the counties of Marion, Boone and Hendricks.

Mr. Conley moved to lay the amendment on the table.

Mr. Miller demanded a call of the Senate.

Objections being made,

The question was put, shall a call of the Senate be ordered?

The ayes and noes being demanded by Senators Miller and Conley,

Those who voted in the affirmative were,

Messrs. Conner, Cravens, Gooding, Green, Jennings, Jones, Miller, Murray, Odell, Slack, Steele, Studabaker and Tarkington—13.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hamilton, Hargrove, Heffren, Hendry, Johnston, Kinley, Line, Lomax, McLean, March, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner, Williams and Wilson —29.

So a call of the Senate was not ordered.

Mr. Tarkington moved that the Senate adjourn.

The ayes and noes being demanded by five Senators,

Those who voted in the affirmative were,

Messrs. Cravens, Culver, Gooding, Green, Hargrove, Jennings, Jones, Miller, Murray, Odell, Slack, Steele, Tarkington and Thompson—14.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Fisk, Hamilton, Heffren, Hendry, Johnston, Kinley, Line, Lomax, McLean, March, O'Brien, Robinson, Shoemaker, Turner, Williams and Wilson—28.

So the motion to adjourn did not prevail.

The question recurred, shall the amendment of Mr. Gooding be laid on the table.
Which was agreed to.

Mr. Heffren moved the previous question.

Mr. Tarkington moved that the Senate adjourn.

The ayes and noes being demanded by five Senators.

Those who voted in the affirmative were,

Messrs. Cravens, Gooding, Green, Jennings, Jones, Line, Miller, Murray, Odell, Slack, Steele, Studabaker, Tarkington, Thompson and Williams—15.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Hamilton, Hargrove, Heffren, Hendry, Johnston, Kinley, Lomax, McLean, March, Robinson, Shoemaker, Stevens, Turner and Wilson—26.

So the motion to adjourn did not prevail.

Mr. Tarkington demanded a call of the Senate.

Objections being made,
The question was put, shall a call of the Senate be ordered?

The ayes and noes being demanded by Senators Tarkington and Miller,

Those who voted in the affirmative were,

Messrs. Conner, Cravens, Gooding, Green, Jones, Line, Miller, Murray, Odell, Slack, Steele, Studabaker and Williams—13.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hamilton, Hargrove, Heffren, Hendry, Johnston, Kinley, Lomax, McLean, March, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner and Wilson—27.

So a call of the Senate was not ordered.

The previous question was not seconded by the Senate.

Pending the consideration of the motion of Mr. Heffren to concur in the engrossed amendments of the House to the bill.

On motion by Mr. Tarkington,
The Senate adjourned.

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2 o'clock, p. m.

The Senate met.

Leave being granted,
Mr. March introduced

Senate bill No. 261. A bill defining bribery, and prescribing punishment therefor,
Which was read a first time and passed to a second reading on to-morrow.

Leave being granted,
Mr. March, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate bill

No. 253, "a bill to amend an act entitled 'an act to prevent the destruction of or injury of animals, and the destruction of human life by railroads, and to provide compensation for the same,' approved May 11, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Heffren moved to postpone the further consideration of Senate bill No. 102, and the engrossed amendments of the House thereto, and motion pending at adjournment, until Monday next at 2 o'clock, P. M., and make them the special order for that hour.

Which was agreed to.

Leave being granted,
Mr. O'Brien introduced

Senate bill No. 262. A bill to provide for the printing and binding of two thousand copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same,

Which was read a first time.

Mr. Bobbs moved to suspend the rules and read the bill a second time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—36.

So the rules were suspended and the bill read a second time by its title.

The bill was ordered to be engrossed and passed to a third reading on to-morrow.

ORDERS OF THE DAY.

House Bills on their Third Reading.

House bill No. 5. A bill incorporating school townships, defining their powers, requiring the title to school lots to be vested in the cor-

porate name of the township, town or city in which the same is situate; authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and trustees of an incorporated town to levy all taxes for schools and for building and repair of school houses, and to repeal all laws inconsistent with this act,

Was read a third time.

Mr. Craven moved to amend the bill by striking out section five and inserting:

SEC. 5. If a majority of the legal voters of any school district desire the use of the school house of such district for other purposes than common schools, when unoccupied for common school purposes, the trustees shall, upon such application, authorize the director of such school district to permit the people of such district to use the house for any such purpose, giving equal rights and privileges to all religious denominations and political parties, without any regard whatever to the numerical strength of any religious denomination or political party in such school district.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Stevens, Thompson, Turner, Wagner and Williams—32.

Those who voted in the negative were,

Messrs. Slack and Studabaker—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 57. A bill to amend the 74th section of an act entitled "an act defining misdemeanors and prescribing and therefor," approved June 17th, 1859,

Was read a third time, and replaced on the files.

HOUSE BILLS ON THEIR SECOND READING.

House bill No. 72. A bill to amend sections one and two of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad

company in this State," approved March 1, 1853, and to provide for the manner of service of process,

Was read a second time, and

Referred to the committee on corporations.

House bill No. 91. A bill to provide for the transfer from justices of the peace to the circuit courts or court of common pleas of certain cases therein named,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 108. A bill to prevent the gathering of cranberries from any of the public, State or non-resident lands of this State, and providing penalties therefor,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 122. A bill to authorize the holders of unauthorized paper currency, to sue for and recover from persons who have issued the same, as for money had and received, without making previous holders parties to the suits, and making such currency evidence of the indebtedness,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 149. A bill amendatory of an act concerning the partition of lands," approved May 20, 1852, to amend sections 11 and 18 thereof,

Was read a second time, and passed to a third reading on to-morrow.

On motion by Mr. Kinley,

Senate bill No. 231. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith,

Was taken from the table, and

Referred to a select committee of three.

The President appointed Senators Kinley, March and Studabaker said select committee.

House bill No. 152. A bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for admissibility in evidence of the same, or copies thereof,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 165. An act to amend the 18th section of an act

entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 156. An act authorizing appeals from the circuit courts to the supreme court, in contested election cases,

Was read a second time.

Mr. Slack moved to refer the bill to a select committee of three.

Which was agreed to.

The President appointed Senators Slack, Cobb and Murray said select committee.

House bill No. 176. A bill to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852,

Was read a second time, and

Referred to the committee on the judiciary.

House bill No. 178. A bill fixing the time of holding courts of common pleas, and the length of terms thereof in the county of Blackford, and repealing all laws in conflict therewith,

Was read a second time.

Mr. March moved to refer the bill to a select committee of three.

Which was agreed to.

The President appointed Senators March, Slack and Craven said select committee.

House bill No. 183. A bill to authorize county auditors to collect moneys belonging to the common school fund by suit or otherwise, and providing compensation for his services, also to provide punishment for a failure to perform any duties required therein,

Was read a second time, and

Referred to the committee on the judiciary.

House bill No. 267. A bill prescribing the time of holding and the length of terms of the courts in the third judicial circuit,

Was read a second time.

Mr. Williams moved to amend the bill as follows:

In line 11, by striking out "Pike" and inserting "Martin."

In line 13, by striking out "Martin" and inserting "Pike."

In line 14, by striking out "Daviess" and inserting "Martin."

The amendments were adopted, and the bill passed to a third reading on to-morrow.

House bill No. 186. A bill to amend section 103 of an act entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms in criminal cases in the courts of this State," approved June 17, 1852,

Was read a second time, and

Referred to the committee on the judiciary.

House bill No. 225. A bill to amend the 94th section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State,

Was read a second time, and passed to a third reading on to-morrow.

On motion by Mr. Line,

Senate bill No. 85. A bill to provide for a general system of common schools, the officers thereof, and their respective powers, duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,

Was taken up, and

On motion,

Referred to a select committee of five.

The President appointed Senators Line, Wagner, Heffren, Murray and O'Brien said select committee.

House bill No. 258. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or adjoining States, and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853.

Was read a second time and passed to a third reading on to-morrow.

House bill No. 270. An act declaring it to be a misdemeanor to break down, or remove any fence or enclosure of any railroad, and prescribing the penalty,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 221. An act fixing the time for holding the cir-

cuit courts in the 12th judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith.

Was read a second time and passed to a third reading on to-morrow.

House bill No. 300. An act providing that certain notices of public sales and other legal notices therein named shall be published in some newspaper printed at the county seat of the county wherein such notices are to be given in all cases where a newspaper of general circulation is published at such county seat.

Was read a second time.

Mr. Conner moved to refer the bill to a select committee of three.

Which was agreed to.

The President appointed Senators Conner, Craven and Heffren said select committee.

SENATE BILLS ON SECOND READING.

Senate bill No. 256. A bill to aid and encourage the Indiana association for the advancement of science and to aid in the diffusion of useful knowledge in this State.

Was read a second time.

Mr. Kinley moved to refer the bill to a select committee of three.

Which was agreed to.

The President appointed Senators Kinley, Hendry and Line said committee.

Senate bill No. 257. A bill for the relief of the lesses from the State of the water power and other privileges on the northern division of the central canal,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 258. A bill to amend the fourth section of "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857,

Was read a second time, ordered to be engrossed and read a third time on to-morrow.

On motion by Mr. March,

The following messages from the House were taken up.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 276. A bill to amend section five of an act entitled "an act to organize a supreme court, and prescribing certain duties of the judges thereof," approved May 13, 1852.

In which the concurrence of the Senate is respectfully requested.

Senate bill No. 276, contained in the foregoing message,

Was read a first time, and passed to a second reading on tomorrow.

A message from the House by Mr. Ryan, its clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, with sundry engrossed amendments thereto, the following engrossed bill of the Senate:

Senate bill No. 112. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, 1859.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Slack,

The engrossed amendments of House accompanying the foregoing message, were concurred in by the Senate.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 1. A bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the constitution of the State. Also,

House bill No. 105. An act to compel owners of town lots to grave and pave sidewalks and fixing the penalty thereto. Also,

House bill No. 134. A bill to amend the 1st section of an act entitled "an act concerning real property and alienation thereof," approved May 6, 1852. Also,

House bill No. 136. A bill for the protection of sidewalks in towns and villages and for the preservation of shade trees planted along the same.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 1, 105, 134 and 136, contained in the foregoing message,

Were each read a first time and passed to a second reading on to-morrow.

On motion by Mr. Brown,

Senate bill No. 149. A bill for the organization of the militia of the State of Indiana, classifying the same into sedentary and active, requiring the assessment of a tax for the support of the same, and prescribing the duties of officers, civil and military, in connection therewith,

Was taken from the files and made the special order for Monday next at 11 o'clock, A. M.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 158. An act to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence and gone to parts unknown. Also,

House bill No. 217. A bill in relation to the levy of an execution or attachment on partnership property for the individual debt of one partner. Also,

House bill No. 233. A bill to amend section three of an act entitled "an act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852. Also,

House bill No. 253. A bill to provide for transferring real estate for taxation on the books of county auditors and preserving the chain of title thereof in the recorder's office in certain cases therein provided for. Also,

House bill No. 255. A bill to abolish complete records in the supreme court. Also,

House bill No. 256. A bill to amend the 71st section of an act entitled "an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852. Also,

House bill No. 262. A bill to repeal "an act to prevent railroad companies from changing their depots except on conditions therein named," approved March 4, 1853. Also,

House bill No. 266. A bill to provide for the transfer from the court of common pleas to the circuit court of certain cases wherein the court of common pleas has no jurisdiction.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 158, 217, 233, 253, 255, 256, 262 and 266, contained in the foregoing message,

Were each read a first time and passed to a second reading on tomorrow.

A message from the House, by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 124. An act to prohibit the throwing or depositing any carrion or dead animal into any running stream or lake of water in this State and to prevent the depositing or burying any carrion or dead animal on the banks of the same and prescribing the penalty for the violation thereof. Also,

House bill No. 138. A bill declaratory of the meaning of the first section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852, and to legalize all wills made by married women in pursuance of said act, since the taking effect thereof. Also,

House bill No. 144. A bill to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale or conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchasee or purchasers, and to provide for a new stock and the appointment of a board of

directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities. Also,

House bill No. 150. A bill to amend sections 44, 80, 152, 173, 199, 322, 517 and 638 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, requiring an answer to be sworn to before a judgment on default against a non-resident shall be set aside; authorizing property taken on attachment to be sold in certain cases; judges in vacation to appoint receivers, and providing for the faithful discharge of the duties; to modify, dissolve or reinstate orders of injunction granted in vacation; provisions in relation to the continuance of causes; the value of property on the foreclosure of mortgages; requiring a denial of the existence of a corporation, in certain cases, to be under oath; and requiring the clerks of courts of record to keep an execution docket, and defining what entries shall be made therein. Also,

House bill No. 160. An act to amend the first section of "an act providing for extending the terms of the circuit court by adjournment, when the pending business shall be unfinished," approved February 12, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same. Also,

House bill No. 167. A bill to provide for the fees of sheriff's in conveying convicts to the State Prison, and providing punishment for violations thereof, and to repeal all laws in conflict herewith. Also,

House bill No. 171. A bill declaring it to be a misdemeanor for the clerks of the circuit and common pleas courts to refuse to issue summonses and other writs in certain cases, and defining the penalty therefor. Also,

House bill No. 173. An act to amend the 11th section of an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes. Also,

House bill No. 198. A bill to prohibit the owner or owners, or those having the management of certain stock, from allowing the same to run at large, and prescribing penalties therefor. Also,

House bill No. 199. A bill to create the fourteen judicial circuit, and to fix the time of holding courts therein.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 124, 138, 144, 150, 160, 167, 171, 173, 198 and 199, contained in the foregoing message,

Were each read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 175. A bill to amend section eleven of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases. Also,

House bill No. 188. A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act. Also,

House bill No. 203. A bill to amend the 103d sectien of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of townships assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852. Also,

House bill No. 204. An act prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons in their respective townships, and prescribing the duties of county auditors, and of the Auditor of State relative thereto. Also,

House bill No. 206. A bill to amend the 36th secton of an act entitled "an act defining misdemeanors, and prescribing punishment therefor. Also,

House bill No. 208. A bill to provide for the case of removal from office, death, resignation or inability both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor. Also,

House bill No. 224. A bill to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed. Also,

House bill No. 227. An act to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for the changing of the names of such towns," approved May 20, 1852. Also,

House bill No. 228. An act to provide for the collection of the surplus revenue fund belonging to the counties of Dekalb, Lake and Wells, on loan at the State Treasury, and for the payment of said fund over to the treasurers of said counties. Also,

House bill No. 272. A bill defining the meaning of the word fence, as used in an act entitled "an act concerning enclosures, trespassing animals and partition fences," approved June 14, 1852,

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 175, 188, 203, 204, 206, 208, 224, 227, 228 and 272, contained in the foregoing message,

Were each read a first time, and passed to a second reading on tomorrow.

On motion by Mr. Carnahan,

Senate bill No. 53. A bill to authorize county commissioners to award compensation to persons who may bring to justice fugitives from the same,"

Was taken from the table and placed on the files.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 128. An act to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions set forth in transcripts. Also,

House bill No. 130. A bill to compel supervisors of road districts to widen the limits of incorporated towns, and to work the same under the direction of the town council,

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 128 and 130, contained in the foregoing message,

Were each read a first time and passed to a second reading on tomorrow.

On motion by Mr. Heffren,

The Senate adjourned.

MONDAY MORNING, 9 o'clock,
February 28, 1859.

The Senate met.

The reading of the journal of Saturday was dispensed with.

BILLS INTRODUCED.

Mr. Conner introduced

Senate bill No. 263. A bill fixing the time of holding the courts of common pleas in the county of Wabash, and the length of the terms thereof,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Cravens introduced

Senate bill No. 264. A bill supplemental to "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852; and making the order of the board of commissioners, under section nine of said act, final in certain cases,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Miller introduced

Senate bill No. 265. A bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Which was read a first time and passed to a second reading on to-morrow.

Leave being granted,

Mr. Heffren presented the claim of Lemuel Moore for recapturing James Payne, an escaped felon,

Which was referred to the committee on claims.

Leave being granted,

Mr. Bobbs presented a communication from R. Henninger, publisher of the *Free Press*,

Which was referred to the committee on finance.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the enrolled with the engrossed copy of Senate bill No. 25, "a bill for the investment, distribution and safe-keeping of the funds arising from the 113th and 114th sections of "an act establishing a State Bank," approved January 25, 1834; and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named," and find the same correctly enrolled.

ORDERS OF THE DAY.

House Bills on their Second Reading.

House bill No. 199. A bill to create the fourteenth judicial circuit and to fix the time of holding courts therein,
Was read a second time.

Mr, Hendry moved to refer the bill to a select committee of three.
Which was agreed to.

The President appointed Senators Hendry, Studabaker and Conner said select committee.

House bill No. 138. A bill declaratory of the meaning of the 1st section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852, and to legalize all wills made by married women in pursuance of said act since the taking effect thereof,"
Was read a second time and passed to a third reading on to-morrow.

Leave being granted,
Mr. Heffren, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 237, "a bill authorizing a geological reconnoissance of the State and making appropriations therefor," have had the same under consideration and have directed me to report it back to the Senate and recommend that it lie on the table.
Which report was concurred in and the bill laid on the table.

House bill No. 144. A bill to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same and to secure the payment thereof, and to authorize a sale or conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchasee or purchasees and to provide for a new stock and the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 150. A bill to amend sections 44, 80, 152, 173, 199, 322, 517 and 638 of an act entitled ""an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, requiring an answer to be sworn to before a judgment on default against a non-resident shall be set aside; authorizing property taken on attachment to be sold in certain cases; judges in vacation to appoint receivers and providing for the faithful discharge of the duties; to modify, dissolve or reinstate orders of injunction granted in vacation; provisions in relation to the continuance of causes; the value of property on the foreclosure of mortgages; requiring a denial of the existence of a corporation in certain cases to be under oath; and requiring the clerks of courts of records to keep an execution docket, and defining what entries shall be made therein,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 158. An act to provide for the management and disposal of the estate of persons who have absented themselves from their usual place of residence and gone to parts unknown.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 160. A bill to amend the 1st section of an act providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished, approved February 12, 1855, to authorize the court or judge to call and hold special terms and to fix the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 167. A bill to provide for the fees of sheriffs in conveying convicts to the State prison and providing punishment for violation hereof, and to repeal all laws in conflict herewith.

Was read a second time, and

On motion,

Referred to the committee on the finance.

House bill No. 171. A bill declaring it to be a misdemeanor for the clerks of the circuit and common pleas courts to refuse to issue summons and other writs in certain cases, and defining the penalties therefor,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 173. An act to amend the 11th section of "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes."

Was read a second time and passed to a third reading on to morrow.

Leave being granted,

Mr. Kinley, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred Senate bill No. 231, "a bill to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith," have had the same under consideration and instruct me to report it back to the Senate with the following amendments, and when so amended recommend its passage:

First, Amend section seven by striking out in the third line, "clerk of the circuit," and insert "civil township trustee."

Second, In 4th line of same section, "official bonds," and insert the "township."

Third, Section eleven. In second line after the word "make," insert the words "or cause to be made;" also add to the end of the section "such enumeration when filed shall be verified by the affidavit of the person or persons making the same."

Foutrh, Section twelve. In first line strike out "trustee" and insert "person."

Fifth, Section twenty-one. In first line, before the word "trustee," insert the word "school."

Sixth, Section sixty-three. In second line after the word "adequate" insert "and may be loaned in the different townships shall, when three are applicants therefor, be proportioned as nearly as may be to the number of polls."

Seventh, Section eighty-two. To the end of the section add, "and all sales made on mortgaged premises shall be held semi-annually on the first Monday of January and July."

Eighth, Section eighty-three. Add, "but such mortgaged premises may be redeemed sixty days after the sale thereof by the payment of costs, interest due and ten per cent. damages thereon."

Ninth, Section ninety-four. Strike out "two" wherever it occurs and insert "one."

Tenth, Section 103. In first line strike out "trustees" and insert "school board."

Eleventh, Section 145. In lines 1st and 2d strike out "may possess a knowledge of" and insert "shall be qualified to teach."

Twelfth, Section 153. Line 9 strike out "report" and insert "facts and suggestions."

Thirteenth, Section 153. Amend by adding "such board shall have no extra allowance for clerk hire;" also in 9th line of the same section strike out the word "report" and insert "facts and suggestions."

Which report was concurred in.

The question being shall the amendment proposed by the committee be adopted?

It was agreed to and the bill was ordered to be engrossed and read a third time on to-morrow.

House bill No. 175. A bill to amend section 11 of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1852, so as to extend jurisdiction of said court in certain cases.

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 188. A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 198. A bill to prohibit the owner or owners or those having the management of certain stock from allowing the same to run at large and prescribing penalties therefor,

Was read a second time, and

On motion,

Referred to the committee on the agriculture.

House bill No. 203. A bill to amend the 103d section of an act

entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852,

Was read a second time and passed to a third reading on to-morrow.

On motion by Mr. Tarkington,

The vote by which House bill No. 188 was passed to a third reading, was reconsidered.

Mr. Tarkington moved to add the following proviso, to the last section:

Provided, however, That the impressions hereinbefore required, shall only be affixed when requested by the person or corporation owning the bond or certificates.

On motion by Mr. Bobbs,

The bill and pending amendment were referred to a select committee of three.

The President appointed Senators Bobbs, Tarkington and Steele, said select committee.

House bill No. 204. A bill prescribing the duties of assessors, in making lists of the deaf, dumb and blind persons in their respective townships, and prescribing the duties of county auditors, and of the auditor of State relative thereto,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 206. A bill to amend the 36th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor,"

Was read a second time, and passed to a third reading on to-morrow.

Housse bill No. 208. A bill to provide for the case of the removal from office, death resignation or inability both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 217. A bill in relation the levy of an execution

or attachment on partnership property, for the individual debt of one partner,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 227. An act to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for the changing of the names of such towns," approved May 20, 1852,

Was read a second time, and

On motion,

Referred to the committee on corporations.

House bill No. 228. An act to provide for the collection of the surplus revenue fund belonging to the counties of Dekalb, Lake and Wells, on loan at the State Treasury, and for the payment of said fund over to the treasurers of said counties,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 224. A bill to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms, and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed,

Was read a second time, and

On motion,

Referred to the committee on agriculture.

House bill No. 233. A bill to amend section three of an act entitled "an act providing for the election, and prescribing certain duties of county surveyors," approved June 17, 1852,

Was read a second time.

Mr. Slack moved to refer the bill to a select committee of three,

Which was agreed to, and

The President appointed Senators Slack, Miller and March, said select committee.

House bill No. 253. A bill to provide for transferring real estate for taxation on the books of county auditors, and prescribing the chain of title thereof, in the recorder's office, in certain cases therein provided for,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 256. A bill to amend the seventy-first section of an act entitled "an act providing for the election and qualification of

justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 255. A bill to abolish complete records in the supreme court,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Leave being granted,

Mr. Conner, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 300, being "an act providing that certain notice of public sale and other legal notice therein named shall be published in some newspaper at the county seat of the county wherein such notices are to be given in all cases where a newspaper of general circulation is published at such county seat," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to morrow.

Leave being granted,

Mr. Craven, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred House bill No. 60, "a bill to authorize the county commissioners of Grant county to open a settlement with Samuel N. Woolman, and grant any relief due said Woolman," have had the same under consideration and have directed me to report it back to the Senate and recommend its passage.

On motion,

House bill No. 60, reported from said committee, was laid on the table.

Leave being granted,

Mr. Studabaker, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred Senate bill No. 124, "a bill to amend the 103d section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it lie on the table.

Which report was concurred in and the bill was laid on the table.

House bill No. 262. A bill to repeal "an act to prevent railroad companies from changing their depots, except on conditions therein named," approved March 4, 1853,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 266. A bill to provide for the transfer from the court of common pleas to the circuit court of certain cases wherein the court of common pleas has no jurisdiction,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 272. A bill defining the meaning of the word fence, as used in an act entitled "an act concerning enclosures, trespassing animals and partition fences," approved June 14, 1852,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 276. A bill to amend section five of an act entitled "an act to organize a supreme court, and prescribing certain duties of the judges thereof,"

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 1. A bill to provide for taking the sense of the qualified voters of the State on calling a convention to alter, amend or revise the constitution of the State,

Was read a second time.

Mr. Heffren moved to refer the bill to the judiciary committee.

The ayes and noes being demanded by Senators Heffren and Cobb,

Those who voted in the affirmative were,

Messrs. Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, John-

ston, Line, Lomax, O'Brien, Odell, Studabaker, Tarkington and Williams—14.

Those who voted in the negative were,

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cravens, Craven, Gooding, Green, Hendry, Kinley, McLean, March, Murray, Robinson, Steele, Thompson, Turner and Wagner—20.

So the motion to refer did not prevail.

Mr. Heffren moved to amend the bill so as to provide that the election of delegates shall be held on the first Monday in June, instead of the first Monday of April.

On motion by Mr. Wagner,
The amendment was laid on the table.

Mr. Heffren moved to amend the bill so as to provide for the holding of the election for delegates at the general election in October, 1860.
Which was not agreed to.

The bill was then passed to a third reading on to-morrow.

SPECIAL ORDER.

The hour having arrived, the Senate proceeded to the consideration of Senate bill No. 149, "a bill for the organization of the militia of the State of Indiana, classifying the same into sedentary and active; requiring the assessment of a tax for the support of the same, and prescribing the duties of officers, civil and military, in connection therewith," made the special order for to-day at 11 o'clock, A. M.

On motion,
The further consideration of the special order was postponed until this evening at 7 o'clock.

Leave being granted,
Mr. Heffren introduced

Senate bill No. 266. A bill to amend section 19 of an act entitled "an act regarding estrays and articles adrift," approved June 16, 1852,
Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Bennett,
The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House refuses to concur in the sixth and eighth specifications of Senate amendments to House bill No. 93, "a bill to amend the sixth section and third clause of the seventh section of an act entitled 'an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto,' approved May 13, 1852," and has appointed Messrs. Colgrove, Murray and Blythe a committee of free conference on the part of the House to confer with a similar committee on the part of the Senate, in reference to the disagreement on said bill.

Mr. Bennett moved that a committee of free conference on the part of the Senate, agreeably to the request of the foregoing message, be appointed.
Which was agreed to, and

The President appointed Senators Bennett, March and Heffren said committee of free conference on the part of the Senate.

On motion by Mr. Turner,
House bill No. 144, read a second time to-day and passed to a third reading, was referred to a select committee of five.

The President appointed Senators Turner, Slack, Wagner, Culver and Hamilton said select committee.

Leave being granted,
Mr. Gooding, from the judiciary committee, made the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred resolution No. 50, directing the committee to inquire whether there is any law requiring the judges of the court of common pleas—*ex-officio*, at stated periods, to institute inquiry into the sufficiency of the sureties of executors, administrators and guardians, &c., have made the inquiry as directed, and have directed me to report that no such law exists to the knowledge of the committee, and have therefore directed me to report the accompanying bill:

Senate bill No. 267. A bill requiring the court of common pleas

of the several counties in this State to examine the bonds of administrators, executors and guardians at least once in every six months, and to require the execution of new bonds when necessary, accompanying the foregoing report,

Was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Conner, chairman of the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 215, being "an act authorizing the voters of townships to vote a tax to finish unfinished railroads running through the townships," have had the same under consideration, and a majority of the committee have directed me to report the same back and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed and read a third time on to-morrow.

Leave being granted,

On motion by Mr. Heffren,

Resolved, That the judiciary committee be instructed to inquire into and report the last day bills can be passed and sent to the Governor during the present session, under our constitution.

Leave being granted,

On motion by Mr. Williams,

Resolved, That the Secretary of the State Board of Agriculture be requested to furnish each member of the Senate with ten copies of the premium list of the next State Fair.

Leave being granted,

Mr. Gooding offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring, proceed to the Hall of the House of Representatives, at 10 o'clock, A. M., on next Friday, for the purpose of electing, by joint *viva voce* vote of the two House, the legal number of trustees for the deaf and dumb, the blind, and the insane asylums, in the order in which they are named in this resolution.

Mr. Heffren moved to amend the resolution by adding: "State Printer and Canal Trustee."

On motion by Mr. Wagner,
The further consideration of the resolution and pending amendment was postponed until Wednesday next, at 10 o'clock, A. M.

Leave being granted,
Mr. Hargrove offered the following preamble and resolution :

WHEREAS, Various reports and rumors are in circulation prejudicial alike to the credit and good standing of the Hospital for the Insane and the Superintendent thereof; AND WHEREAS, Justice to the Superintendent and the credit and well-being of the Hospital demands that an investigation be had on the charges contained in those rumors and reports, and if possible, to ascertain the truth or falsity of the same; AND WHEREAS, This Senate has been advised that the committee on benevolent institutions has been engaged in the investigation of the matters above referred to; therefore,

Resolved, That the committee on benevolent institutions are hereby directed to report to the Senate whether they have made any progress in such investigation or not, and if so, the nature and extent of the same, with their conclusions thereon.

The ayes and noes being demanded by Senators Hargrove and Conley,

Those who voted in the affirmative were,

Messrs. Bennett, Carnahan, Cobb, Conley, Culver, Fisk, Green, Hargrove, Heffren, Jennings, Johnston, Kinley, Line, Lomax, McLean, March, O'Brien, Odell, Robinson, Steele, Studabaker, Tarkington, Turner and Williams—24.

Those who voted in the negative were,

Messrs. Bobbs, Brown, Conner, Craven, Gooding and Hendry—5.

No quorum voting.

Pending the consideration of which,
On motion by Mr. Heffren,
The Senate adjourned.

2 o'clock, p. m.

The Senate met.

On motion by Mr. Williams,
The following messages from the House were taken up.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 77. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of the duties, and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith.

In which the concurrence of the Senate is respectfully requested.

Mr. Williams moved to suspend the rules and read the bill a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conley, Conner, Cravens, Fisk, Gooding, Hamilton, Heffren, Hendry, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—34.

No Senator voting in the negative.

So the rules were suspended and the bill was read a first time by its title.

The bill was then read a second time by its title, and
On motion,
Referred to the committee on the roads.

Leave being granted,
Mr. Kinley, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 256, "a bill to aid and encourage the Indiana association for the advancement of science, and to aid in the diffusion of useful knowledge in the State," have instructed me to report the same back to the Senate with the following amendment, and when so amended, recommend its passage:

Add the following section:

SEC. —. It shall be the duty of the officers of said association to report to the next General Assembly, or to either branch thereof, the names of the officers of the association, the number of members belonging to the same, the amount that is or may be contributed either by donation or contribution, also the amount received from the State Treasurer, the manner and for what purpose all the funds thus received are paid out.

SEC. —. No funds thus drawn from the State Treasury shall be appropriated for any other purpose than purchasing specimens of the different kind of specimens and for the transit of the same to the point in the State where the office of deposit of said association is kept.

Which report was concurred in.

The question being shall the amendments be adopted?

It was agreed to.

Mr. Kinley moved to consider the bill as engrossed and read it a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Cravens, Craven, Fisk, Gooding, Heffren, Hendry, Hill, Jones, Kinley, Line, McLean, March, O'Brien, Slack, Steele, Stevens, Tarkington, Turner and Wagner—23.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Cobb, Conley, Conner, Hamilton, Hargrove, Johnston, Lomax, McClure, Miller, Robinson, Shoemaker, Studabaker, Thompson, Williams and Wilson—17.

So the bill did not pass.

Mr. Heffren moved to suspend the rules and read Senate bill No. 266 a second time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—40.

Senator Cobb voting in the negative.

So the rules were suspended, and

Senate bill No. 266. A bill to amend section 19 of an act entitled "an act regarding estrays and articles adrift," approved June 14, 1852,

Was read a second time, and

On motion,

Referred to a select committee of three.

The President appointed Senators Heffren, McClure and Conner said select committee.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof enrolled bill of the House No. 268, "an act prescribing the times of holding the courts of common pleas in the several counties therein named."

The President and Secretary signed the bill.

Leave being granted,

Mr. Line, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 85, "an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and to establish township libraries and for the regulation thereof," have had the same under consideration and have

directed me to report it back to the Senate with the following amendments, and when so amended recommend its passage:

Amend section 75, in line 8, by striking out the word "forthwith."

Amend section 29 by striking out the whole section and inserting the following:

When the interest or principal of any such loan shall become due and remain unpaid, the county auditor shall proceed to collect the same by sale of the mortgaged premises as prescribed in the 75th section of this act; he may also by suit recover possession of the mortgaged premises before sale thereof.

Amend section 8, line 4th, after the word "person," by adding "or persons;" also add at the close of the section the following: "and they may in their discretion divide the township library into such parts as the convenience of the township may require."

Amend section 80 by striking out the whole section and inserting the following:

In all cases where the mortgaged premises shall fail to sell for a sum sufficient to satisfy the principal and interest of the loan made and the damages and costs accrued by reason of such failure, the county auditor shall institute suit on the note executed by the mortgager, and whenever judgment shall be rendered thereon no appraisement of property shall be allowed on any execution issued on such judgment.

Amend section 81, in line 3d, by striking out the word "three" and inserting the word "six," and after the last word in the 4th line add the following; "and all sales of mortgaged premises made under the provisions of this act shall take place semi-annually, to-wit: On the first Mondays in January and July in each year.

Add immediately after section 82 the following additional section:

SEC. —. The purchaser of any lands or lots sold by the county auditor as herein before provided shall at the time of sale pay the amount of interest, damages and costs accrued up to the time of such sale, and also the interest in advance for one year on the loan made by the original mortgagor. At the expiration of sixty days, if the mortgaged premises shall not be redeemed in the manner prescribed in the —— section of this act the purchaser shall thereupon pay the whole amount of such purchase money remaining due at the time of such sale.

Add immediately after section 84 the following additional section:

SEC. —. The mortgagor of lands of lots sold under the provisions of this act for the non-payment of principal or interest on loans, his heirs or assigns may reinstate the mortgage within sixty days from the day of sale by paying the amount of interest, damages and costs due thereon and the interest for one year in advance on his loan.

Amend section 96 by adding the following, "and shall issue a warrant for the amount due each portion to the treasurer of the township entitled to the same.

Amend section 114 by striking out in line 1st, after the word "meet" all the word "qualifications," in line 4th, and insert the following:

At such time and place in their respective counties as they may agree upon, and they or either of them may at any time issue certificates of qualifications for teaching common schools under such rules and regulations as said board of common school examiners may agree upon, and they may issue license for 6, 12, 18 or 24 months, but no certificate of qualifications for teaching shall be in force except in the county in which the same is issued.

Amend section 116 by adding the following after the word "grammar" in the third line; "by unanimous consent: *Provided however*, That if the persons in any school district shall signify by petition their willingness to employ the applicant for license, then and in that case the examiner or examiners may issue a certificate to such applicant omitting the two last named branches, but in such case no certificate shall be in force for a longer term than six months nor for any other district.

Amend section 137 by adding the following after the word "repeal," "together with all other laws and parts of laws in conflict with the provisions of this act."

Which report was concurred in.

The question being shall the amendments proposed by the committee be adopted?

It was agreed to.

Mr. Johnston moved to strike out the 95th and 96th sections of the bill.

Which was not agreed to.

Mr. Studabaker moved to amend the bill by adding the following section:

SEC. —. There shall be annually assessed and collected, as the State and county revenues are assessed and collected, on the list of property taxable for State purposes, the sum of ten cents on each one hundred dollars worth of property and fifty cents on each poll: *Provided however*, That the taxes aforesaid shall not be levied and collected from negroes nor mulattoes, nor shall their children be included in any enumeration required by this act nor entitled to the benefits thereof.

Mr. Johnston moved to amend the amendment by striking out "ten cents" and inserting "five cents."

Mr. Cobb moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Johnston and Wilson,

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Cobb, Conner, Craven, Culver, Fisk, Gooding, Hamilton, Heffren, Hendry, Hill, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Shoemaker, Slack, Steele, Stadabaker, Tarkington, Thompson, Turner, Wagner and Wilson—32.

Those who voted in the negative were,

Messrs. Beeson, Green, Hargrove, Johnston, Lomax, McClure, Robinson, Steele and Wilson—10.

So the amendment to the amendment was laid on the table.

Mr. Heffren moved to amend the amendment by providing "that the money raised in each county for school purposes shall be distributed in the county where raised."

Mr. Cobb moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Bennett and Heffren,

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Cobb, Conley, Conner, Craven, Fisk, Gooding, Green, Hendry, Hill, Jones, Kinley, Line, McClure, March, Miller, Murray, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner and Wilson—27.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Culver, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McLean, O'Brien, Odell, Stevens, Wagner and Williams—18.

So the amendment to the amendment was laid on the table.

Mr. March moved to amend the amendment by striking out "ten cents" and inserting "fifteen cents."

The ayes and noes being demanded by Senators Heffren and Wilson,

Those who voted in the affirmative were,

Messrs. Bobbs, Brown, Conner, Craven, Gooding, Hendry, Hill, Kinley, March, Murray, Jones, Shoemaker, Steele, Studabaker and Turner—15.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Carnahan, Cobb, Conley, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Robinson, Slack, Stevens, Tarkington, Thompson, Wagner, Williams and Wilson—30.

So the amendment to the amendment was not adopted.

Mr. Gooding moved to amend the amendment by striking out "ten cents" and inserting "twelve cents."

Mr. Heffren moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Conley and March,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Carnahan, Cobb, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Robinson, Slack, Stevens, Studabaker, Tarkington, Wagner, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Bobbs, Brown, Conley, Conner, Craven, Gooding, Hendry, Hill, Jones, Kinley, March, Murray, Shoemaker, Steele, Thompson and Turner—16.

So the amendment to the amendment was laid on the table.

The question recurred shall the amendment be adopted?

The ayes and noes were demanded by Senators Line and Conley,

Those who voted in the affirmative were,

Messrs. Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hendry, Jones, Kinley, Line, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson and Wilson—27.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Carnahan, Culver, Hargrove, Heffren, Hill, Jennings, Johnston, Lomax, McClure, McLean, Steele, Stevens, Wagner and Williams—18.

So the amendment was adopted.

Mr. Studabaker moved to amend the second section by inserting after the word "fund," in the 15th line, the following; "together wtth the taxes collected for school purposes."

Which was agreed to.

Mr. Tarkington moved to add the following section to the bill:

SEC. —. The State Board of Education shall consist of the State Superintendent of Public Instruction, and the Governor, Treasurer, Auditor and Secretary of State, and the Attorney General, who shall meet annually on the 31st of November, at Indianapolis, and as much oftener as they may see fit, for the purpose of more effectually promoting the interest of education by mutual conference, interchange of views, and experience of the practical operations of the system, the introduction of uniform school books, and the discussion and determination of such questions as may arise in the practical administration of the system.

Mr. Carnahan moved to lay the amendment on the table.

Tho ayes and noes being demanded by Senators Tarkington and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, McLean, March, Miller, Murray, Stevens, Thompson, Turner, Wagner and Wilson—28.

Those who voted in the negative were,

Messrs. Cobb, Conley, Hamilton, Heffren, Jennings, Line, Lomax, McClure, O'Brien, Odell, Robinson, Slack, Studabaker, Tarkington and Williams—15.

So the amendment was laid on the table.

Mr. March moved to amend section 62 by adding: "the money shall be loaned, as near as may be, equally among the different townships in proportion to the number of people in each, if there are applicants in all the townships."

Which was agreed to.

Mr. Studabaker moved to amend the 4th section by adding the following:

"Every voter in each township shall vote for but one director and that one shall reside in the district in which such voter resides."

Mr. Kinley moved to strike out the 4th section and insert in its place the following:

SEC. 4. There shall be elected annually on the first Monday in April by the qualified voters of each district a school director. The directors of the several districts in the township shall form a township school board.

Which was not agreed to.

The question recurred, shall the amendments be adopted?

It was agreed to.

Mr. Hargrove moved to amend section 119, in third line, by striking out the word "six" and inserting the word "seven."

Which was not agreed to.

On motion by Mr. Murray,

The 4th section was further amended by adding thereto, "the directors so elected shall be attached to the school of the district for which they shall respectively be elected."

Mr. March moved to amend section 193 by striking out all of said section after the word "loans."

The ayes and noes being demanded by Senators Shoemaker and Tarkington,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Brown, Conley, Conner, Craven, Fisk, Gooding, Green, Hamilton, Hill, Johnston, Jones, Kinley, Line, McLean, March, Odell, Robinson, Slack, Studabaker, Thompson, Turner, Wagner and Wilson—25.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Carnahan, Cobb, Culver, Hargrove, Heffren, Hendry, Lomax, McClure, Murray, Shoemaker, Steele, Stevens, Tarkington and Williams—16.

So the amendment was adopted.

Mr. Studabaker moved to recommit the bill with instructions to so amend the same, as to provide that the civil township trustee shall serve as clerk, treasurer and president of the board, and take the enumeration of the children.

Which was not agreed to.

Mr. Cobb moved to amend section 97, by striking out the word "without," in the fifth line thereof.

Mr. Bennett moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Murray and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Conner, Culver, Hargrove, Hill, Johnston, Line, Lomax, McClure, O'Brien, Steele, Studabaker, Tarkington and Wagner—18.

Those who voted in the negative were,

Messrs. Blair, Bobbs, Cobb, Conley, Craven, Fisk, Green, Heffren, Hendry, Jones, Kinley, March, Miller, Murray, Odell, Robinson, Shoemaker, Stevens, Thompson, Turner, Williams and Wilson—22.

So the amendment was not laid on the table.

The question recurred, shall the amendment be adopted?
Which was agreed to.

Mr. Murray moved to add the following proviso, to the 97th section:
Provided, That the congressional township fund shall not be appropriated to the purposes of education, otherwise than in the township to which it belongs.
Which was agreed to.

Mr. Murray moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to.

Pending the reading of the bill,
On motion by Mr. Beeson,
The Senate adjourned.

7 o'clock, p. m.

The Senate met.

On motion by Mr. Wagner,

The further consideration of Senate bill No. 85, pending at adjournment, was postponed until to-morrow, at 10 o'clock, A. M., and made the special order for that hour.

HOUSE BILLS ON THEIR SECOND READING.

House bill No. 136. A bill for the protection of sidewalks in towns and villages and for the preservation of shade trees planted along the same.

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 124. An act to prohibit the throwing or depositing any carrion or dead animal into any running stream or lake of water in this State and to prevent the depositing or burying any carrion or dead animal on the banks of the same and prescribing the penalty for the violation thereof,

Was read a second time, and passed to a third reading on to-morrow.

On motion by Mr. Heffren,

House bill No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates therefor,

Was taken up, and

Referred to a select committee of three.

The President appointed Senators Heffren, Wilson and Conner said select committee.

House bill No. 105. An act to compel owners of town lots to grade and pave sidewalks and fixing the penalty thereto,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 130. A bill to compel supervisors of road districts

within the limits of incorporated towns, and to work the same under the direction of the town council,

Was read a second time, and

On motion,

Referred to the committee on corporations.

House bill No. 134. A bill to amend the 1st section of an act entitled "an act concerning real property and alienation thereof," approved May 6, 1852,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

House bill No. 128. An act to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions set forth in transcripts,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Gooding moved to suspend the rules and read Senate bill No. 267, now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Jennings, Johnston, Jones, Line, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—40.

No Senator voting in the negative.

So the rules were suspended, and

Senate bill No. 267. A bill requiring the courts of common pleas of the several counties in this State to examine the bond of administrators, executors and guardians, at least once in every six months, and to require the execution of new bonds when necessary,

Was read a second time by its title.

Mr. Murray moved to amend the bill by striking out "six months," and inserting "twelve months."

On motion by Mr. Heffren,

The bill, and pending amendment, were referred to the committee on the judiciary.

Leave being granted,
Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 266, "a bill to amend section 19 of an act entitled "an act regarding estrays and articles adrift," approved June 16, 1852," have had the same under consideration and have directed me to report the same back to the Senate and recommend its passage.

On motion by Mr. Wagner,
The bill was recommitted to the committee on agriculture.

Leave being granted,
Mr. Williams, chairman of the committee on roads, made the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred House bill No. 77, "a bill providing for the election or appointment of supervisros of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith," have had the same under consideration, and have made sundry amendments, and direct me to report it back and recommend its passage.

Amend section 19, second line, by striking out the words "if not less than five nor more than twenty," and insert "not to exceed fifteen." Also, strike out "seventy-five cents" and insert "one dollar."

Add to section 9 the following proviso:
Provided, That such supervisor shall not be compelled to bring such suit within ten days against any person or persons, from whom there is no probability of collecting, or at the time of working shall be sick or otherwise disabled from labor.

Add the following proviso to section 20:
Provided, That if any supervisor shall not give such bond, then he shall be entitled to give his order on the trustee in favor of any person entitled thereto, for labor done in any amount, not exceeding the amount due his road district, and such order shall distinctly state the services performed by such person.
Which report was concurred in.

The question being, shall the amendment be adopted?
It was agreed to.

Mr. Studabaker moved to amend the 19th section of the bill by adding after the word "taxation" the following: "And may levy a tax of not more than one and one-fourth cent per acre on each acre of taxable land."

Which was not agreed to.

Mr. Williams moved to read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

On motion by Mr. Wagner,

The bill was laid on the table.

SPECIAL ORDER.

The Senate proceeded to the consideration of Senate bill No. 149, "a bill for the organization of the militia of the State of Indiana, classifying the same into sedentary and active; requiring the assessment of a tax for the support of the same, and prescribing the duties of officers, civil and military, in connection therewith," made the special for to-day at 7 o'clock, P. M.

Mr. Murray moved to indefinitely postpone the bill.

The ayes and noes being demanded by Senators March and Wagner,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Craven, Green, Heffren, Hendry, Hill, Jones, Kinley, Line, Lomax, McClure, Murray, O'Brien, Shoemaker, Thompson, Turner and Williams—20.

Those who voted in the negative were,

Messrs. Bobbs, Brown, Carnahan, Cobb, Conner, Fisk, Gooding, Hamilton, Hargrove, Jennings, Johnston, McLean, March, Miller, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Wagner, Weir and Wilson—23.

So the bill was not indefinitely postponed.

On motion by Mr. Johnston,

The further consideration of the bill was postponed until Wednesday, at 7 o'clock, P. M., and made the special order for that hour.

On motion by Mr. Wilson,

Senate bill No. 102. A bill to amend the third section of an act

entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, and the engrossed amendments of the House thereto,
Was taken up.

Mr. Steele moved to concur in the engrossed amendments of the House with an amendment to the bill to add Benton to the district composed of the counties of Warren, Fountain and Montgomery, and Vermillion to the district composed of the counties of Parke, Vigo and Sullivan.

Mr. Slack moved to amend the amendment by striking Whitley county out of the district in which it is now placed by the amendments of the House and attach it to the district in which Huntington county is located.

Mr. Heffren moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the amendment to the amendment be adopted?

The ayes and noes were demanded by Senators Heffren and Slack,

Those who voted in the affirmative were,

Messrs. Blair, Brown, Gooding, Hamilton, Jennings, Jones, Line, March, Slack, Studabaker, Tarkington, Williams and Wilson—14.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Conner, Craven, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, McClure, McLean, Murray, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner and Wagner—25.

So the amendment to the amendment was not adopted.

The question being, shall the amendments be adopted?

The ayes and noes were demanded by Senators Steele and Murray,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Craven,

Green, Heffren, Hendry, Hill, Jennings, Murray, Steele, Thompson Turner, Wagner and Wilson—18.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conner, Fisk, Hamilton, Hargrove, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Robinson, Shoemaker, Slack, Studabaker, Tarkington and Williams—21.

So the amendment was not adopted.

The question recurred, will the Senate concur in the engrossed amendments of the House.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Fisk, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, McLean, March, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner and Wilson—27.

Those who voted in the negative were,

Messrs. Anthony, Conner, Cravens, Gooding, Green, Jennings, Jones, Line, Miller, Murray, Odell, Slack, Steele, Studabaker, Tarkington, Wagner and Williams—15.

So the engrossed amendments of the House were concurred in.

The President having decided that, as the Senate had previously overruled the decision of the chair to the effect that a bill which had passed the Senate and been amended in the House would have to be read by sections in the Senate afterwards on its final passage, and the vote taken by ayes and nays, the Chair would in this case rule in accordance with the expressed sense of the Senate and decide that, as the Senate had concurred in the engrossed amendments of the House to the bill, such concurrence was sufficient to pass the bill;

Mr. Anthony appealed from the decision of the chair.

Mr. Bennett moved to lay the appeal on the table.

The ayes and noes were demanded by Senators Gooding and Anthony.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb,

Conner, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Johnston, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Robinson, Shoemaker, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Wilson—34.

Those who voted in the negative were,

Messrs. Anthony, Gooding, Hamilton, Jennings, Jones, Kinley, Slack, Steele and Williams—9.

So the appeal was laid on the table.

SENATE BILLS ON THEIR SECOND READING.

Senate bill No. 259. A bill to prohibit persons from preventing, hindering or delaying specie payments by the banks of this State,
Was read a second time.

Mr. Murray moved to amend by adding, "on conviction thereof."
Which was agreed to, and
The bill ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 260. A bill to prohibit the taking of books from the State Library and repealing all laws in conflict herewith,
Was read a second time, ordered to be engrossed and read a third time on to-morrow.

No. 261. A bill defining bribery and prescribing punishment therefor,
Was read a second time.

Mr. Murray moved to indefinitely postpone the bill.
Which was not agreed to.

Mr. Wagner moved to amend the bill by adding in the proper place, "or any member who may agree to vote for any bill or matter before the legislation in order to obtain votes for any of his own measures."
Which was not agreed to.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Leave being granted,
Mr. Bobbs introduced

Senate bill No. 268. A bill concerning the vending of foreign and domestic merchandize.
Which was read a first time and passed to a second reading on to-morrow.

Leave being granted,
Mr. Wagner introduced

Senate bill No. 269. A bill assessing a tax for common schools and providing for the collection, distribution and expenditure thereof,
Which was read a first time, and passed to a second reading on to-morrow.

Mr. Conner moved to suspend the rules and read Senate bill No. 263 a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, Miller, Murray, O'Brien, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner and Williams—35.

No Senator voting in the negative.

So the rules were suspended, and

Senate bill No. 263. A bill fixing the time of holding the courts of common pleas in the county of Wabash, and the length of the terms thereof,
Was read a second time by its title.

Mr. Conner moved to consider the bill as engrossed and read a third time now.
Which was agreed to, and
The bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, Miller, Murray, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—35.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Turner,
The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
March 1, 1859. }

The Senate met.

The reading of the Journal was dispensed with.

Leave being granted,
Mr. Shoemaker offered the following resolution:

Resolved, That the Secretary of State be requested to cause to be published in the Indiana State Sentinel and the Indianapolis Journal the act entitled "an act for the more uniform mode of doing township business," approved February 18, 1859, and that copies of said printed act be sent by mail to each clerk of the circuit court and county auditor in the State.
Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Conner presented the petition of Charles S. Parish, prosecuting attorney of the Eleventh Judicial Circuit asking that the sum of $80, paid out of his salary to a special prosecutor in that district, be refunded to him.
Which was referred to the committee on finance.

REPORTS FROM STANDING COMMITTEES.

Mr. McLean, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary to whom was referred House bill

No. 134, "a bill to amend the 1st section of an act entitled "an act concerning real property and alienation thereof," approved May 6, 1852, have had the same under consideration and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. McLean moved to read the bill a third time now.

Which was agreed to, and

The bill was read a third time now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley,Conner, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Tarkington, Thompson, Turner and Wilson—34.

Those who voted in the negative were,

Messrs. Beeson, Craven, Hill and Williams—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Bennett,

Senate bill No. 264. A bill supplemental to "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852; and making the order of the board of commissioners, under section nine of said act, final in certain cases,

Was taken up and read a second time and ordered to be engrossed and read a third time on to-morrow.

Mr. Conner, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred House bill No. 227, being "An act to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for the changing of the names of such towns," approved May 20, 1852, have had the

same under consideration and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Mr. Blair, from the committee on corporations, made the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred Senate bill No. 104, "a bill to prevent the taking of tolls on plank, McAdamized and gravel roads, and to prevent the removal of any material used in the construction of plank, McAdamized and gravel roads," approved May 12, 1852, have had the same under consideration and have directed me to report the same back with the following amendment, and when so amended they recommend its passage:

Strike out from the enacting clause and insert the following:

That section 1st of "an act in relation to plank, McAdamized, tram and gravel road companies," approved March 1, 1855, which reads as follows:

"[*Be it enacted by the General Assembly of Indiana*, That corporations of any plank road, McAdamized or gravel road may, by a vote of the stockholders, discontinue any part of the road by them made and sell any part of the material by them placed upon said road in constructing the same," be amended to read as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That corporations of any plank road, McAdamized or gravel road may, by a vote of the stockholders, discontinue any part of the road by them made.

SEC. 2. That when any company or corporation by virtue of any charter or law of this State shall have constructed or built or shall hereafter construct or build any plank, McAdamized or gravel road upon any part of the road running through this State, denominated the Michigan road, or upon any county or State road, shall have failed for ten years from the time of filing their articles of association in the proper office, or from the time of commencing work thereon, to complete and occupy the whole of their said line of road, then in that case the uncompleted and unoccupied part thereof may be appropriated by any other corporation or company under such laws as may be in force at the time.

SEC. 2. Whenever any such company or corporation, having obtained their right of way upon any such parts of the Michigan road, State or county roads, or any public highway, shall have abandoned or shall be about to abandon the whole or any part of their respective roads they shall not have the right, neither themselves, their agents nor employees, nor shall any other person, to remove any valuable or other material used in the construction or having been

used in the construction thereof, from the line of said road or from the bed thereof.

SEC. 3. All such abandoned or neglected roads shall immediately thereafter be taken charge of and worked as highways or public roads under such laws as may be in force at the time for the care of highways.

SEC. 4. Any such company, corporation, agent, employee or other person violating or attempting to violate the provisions of section second of this act may be enjoined by any supervisor or other person charged with the care of public highways.

Which report was concurred in.

The question being shall the amendment proposed by the committee be adopted?

It was agreed to.

Mr. Miller moved that the bill be read a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Hamilton, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Steele, Stevens, Studabaker, Thompson, Weir and Wilson—33.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Conner, Green, Heffren, McClure, Slack, Tarkington and Williams—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Blair moved to amend the title to the bill so that it will read as follows:

An act to amend the first section of an act entitled "an act in relation to plank, McAdamized, tram and gravel road companies," approved March 18, 1855, and supplemental thereto, so as to enable corporations or companies to take possession of unfinished portions of said road and complete the same where the original corporation has failed to complete it; to prevent any company or corporation, when about to abandon any such road from removing any material

used in its construction; providing for enjoining the removal of the same, and to provide for the working of such abandoned road.

Which was agreed to.

Mr. Jones, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims to whom was referred the claim of William Fleming, sheriff of Allen county, for services in arresting sundry fugitives from justice in the years 1857 and 1858, have had the same under consideration and instruct me to report the same back, recommending that he be allowed the sum of three hundred and forty-five dollars.

Which report was concurred in, and

Referred to committee on finance.

Mr. Carnahan, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the claim of Lemuel Moone, for services rendered in executing a requisition of the Governor on the Executive of Kentucky, for the delivery of one James Pyne, a fugitive from justice in the year 1852, have had the same under consideration, and are of the opinion that it is inexpedient to allow said claim on account of the great length of time the same has run, and for want of sufficient proof of the justice of the claim, and therefore report it back and ask that it be laid on the table.

Which report was concurred in.

On motion by Mr. Heffren,

The claimant was allowed permission to withdraw his claim.

Mr. Hill, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred House bill No. 198, "a bill to prevent certain kinds of stock from running at large," have had the same under consideration, and have directed me to report it back and recommend its indefinite postponment.

Mr. Wagner moved to lay the report of the committee on the table.

Which was agreed to, and

The bill passed to a third reading on to-morrow.

Mr. Beeson, chairman of the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture to whom was referred House bill No. 224, "a bill to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms, and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed," have had the same under consideration and have directed me to report the same back without amendment and recommend its passage.

Which report was concurred in.

Mr. Hendry moved to read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Conley, Craven, Culver, Hamilton, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Shoemaker, Steele, Thompson, Turner, Wagner, Williams and Wilson—30.

Those who voted in the negative were,

Messrs. Bennett, Cobb, Conner, Fisk, Gooding, Green, Hargrove, Lomax, McClure, Robinson, Slack, Stevens, Studabaker and Weir —14.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Williams, from the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture to whom was referred Senate bill No. 266, "a bill to amend section 19 of an act entitled "an act regarding estrays and articles adrift," approved June 14, 1852, have had the same under consideration and direct me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Heffren moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conley, Conner, Craven, Culver, Fisk, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Thompson, Wagner, Williams and Wilson—32.

Those who voted in the negative were,

Messrs. Carnahan, Gooding, Hargrove, Jones, Line, Shoemaker, Slack, Studabaker and Turner—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Steele, from the committee on banks, made the following report:

Mr. President:

The committee on banks to whom was referred Senate bill No. 173, "a bill to prevent the circulation of foreign bank bills of a less denomination than five dollars," have had the same under consideration and direct me to report it back and recommend that it lay on the table.

The question being, shall the bill be laid on the table as recommended by the committee?

The ayes and noes were demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Conner, Craven, Culver, Green, Hamilton, Hendry, Hill, Kinley, McLean, Murray, Steele, Stevens, Stadabaker, Turner and Wagner—19.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Carnahan, Cobb, Conley, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax,

McClure, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Tarkington, Thompson, Williams and Wilson—25.

So the bill was not laid on the table.

Mr. Tarkington moved that the bill be read a third time now.
Which was agreed to and,
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Carnahan, Cobb, Conley, Fisk, Gooding, Green, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Tarkington, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Hamilton, Hendry, Hill, Kinley, McLean, Murray, Steele, Stevens, Studabaker, Thompson, Turner and Wagner—20.

So the bill did not pass for want of a constitutional majority.

Leave being granted,
Mr. Conley offered the following resolution:

Resolved, That no Senator shall speak longer than five minutes on any subject except by the unanimous consent of the Senate.

The ayes and noes being demanded by Senators Wagner and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Lomax, McClure, McLean, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Tarkington, Thompson Turner, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Bobbs, Gooding, Kinley, Line, March, Slack, Studabaker and Wagner—8.

So the resolution was adopted.

Leave being granted,
Mr. Gooding offered the following resolution:

Resolved, That no Senator shall speak at all unless by the unanimous consent of the Senate.

Mr. Carnahan moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Heffren and Wagner.

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, Murray, Odell, Robinson, Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—31.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Brown, Craven, Gooding, Hamilton, Jones, McLean, March, O'Brien, Shoemaker and Wagner—12.

So the resolution was laid on the table.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills to whom was referred Senate bill No. 102, "a bill to amend the 3d section of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof, and repealing sections 29 and 38 of said act," have compared the same with engrossed bill and found the same to be correct.

Leave being granted,
Mr. Bobbs offerred the following resolution:

Resolved, That when the Senate adjourns it will adjourn to meet at 1 o'clock, P. M.

On motion by Mr. Slack,
The resolution was laid on the table.

Mr. Gooding, chairman of the committee on temperance, made the following report:

MR. PRESIDENT:

The committee on temperance to whom was referred Senate bill No. 125, "a bill to prohibit the sale of adulterated liquors and the sale of intoxicating liquors, wine, cider, beer or ale to idiots, insane or intoxicated persons or minors," have had the same under consideration and direct me to report the same back and recommend that it lie on the table.

Which report was concurred in and the bill laid on the table.

Mr. Hill, chairman of the committee on rights and privileges, made the following report:

MR. PRESIDENT:

The committee on rights and privileges to whom was referred the memorial of the Indiana Yearly Meeting of Friends asking the Legislature to repeal the act of 1853, which prohibits colored persons from giving evidence in courts of justice in this State where a white person is a party in interest, have had the same under consideration and a majority of said committee have directed me to report that in our opinion the best interests of the inhabitants of the State, both white and colored, demand its repeal. We are not aware that any good reason can be given for keeping this unjust and cruel enactment upon our statute book, and in the absence of some powerful argument in its favor no one surely will contend that it ought so to remain. Your committee are of opinion that there is not only no reason for, but many against allowing this law longer to disgrace the page of our statute book. We shall refer to only a few of those reasons.

There is in the law an apparant admission of the superiority of the colored race which we presume was overlooked by the framers of the law, and which is not very flattering to the white race. It is based upon the presumption that one-eighth of negro blood can so predominate over seven-eighths of the blood of the Anglo-Saxon as to destroy all character for truth and veracity on the part of the person in whose veins it may flow so that he shall not even be allowed to come inside the bar to give evidence before the judicial tribunals of the State, where one of the parties in interest happens to be white. But aside from the question of equality of races with which this question of evidence should have nothing to do, there are considerations involved which as statesmen and philanthropists we should not overlook. Under this law the most abandoned libertine and desperado, if he happens to have a *legal complexion*, may, by force or fraud, violate the most high-minded and virtuous colored or Indian woman in the State and rob her of her honor and virtue. If she appeal to me for redress of her wrongs the law says, "*I will not hear her.*" The law virtually says to the most abandoned white man, go to the colored man's premises, violate the person of

his wife and daughters before his eyes, obtain his money or other property upon false pretense, by fair promises or by force of arms, shoot down his horse, his cow, his ox, or any other stock that he may possess, abuse his person, slander his reputation, add insult to injury; if he appears before the judicial tribunals of his country, the law says, "I will not hear his tale of outrage or redress his wrongs."

But the colored man is not the only sufferer on account of this enactment. It not unfrequently happens that colored persons, whose character for veracity is above suspicion and whose word is readily taken for truth by their white neighbors, witness depredations committed against the person or property of a white man by some other person, but the law says he shall not testify, and the guilty party goes unwhipt of justice. It is well known that extensive combinations are formed and companies organized for the purpose of horse stealing, counterfeiting, burglary, arson, &c. Into these companies colored persons may be decoyed because they make convenient servants, but if they should be detected or were disposed to turn State's evidence, they cannot testify and consequently cannot implicate any of their white accomplices. And thus the peace and dignity of the State, as well as the rights of our citizens, often suffer in consequence of this unwise and unnecessary enactment.

We might give a number of instances in which colored persons have suffered in consequence of being declared incompetent witnesses against white persons, but we forbear. It is enough to know that the law in effect invites the commission of crime, and that human nature is sufficiently depraved to take advantage of it. In several of the States of this Union colored persons are legal witnesses against white persons, and we are not aware that any evil has resulted therefrom. In view of all these facts and of the additional fact that with the prejudices now existing against the people of color, their testimony would not be likely to have undue weight with the court or jury, or be taken for more than it was worth, we believe that justice and sound policy require that the said enactment should be repealed and leave the court or jury to determine the weight of the testimony given by Indians or negroes, according to the credibility of the person testifying, as in all other cases of evidence. We therefore recommend the passage of the accompanying bill. All of which is respectfully submitted:

"A bill to repeal an act entitled "an act to prohibit the evidence of Indians and persons having one-eighth or more of negro blood in all cases where white persons are parties in interest," approved February 14, 1853."

Mr. McLean, from the same committee, made the following minority report:

MR. PRESIDENT:

The undersigned, members of the committee on rights and privile-

ges, to whom was referred a memorial concerning persons of color, asking the repeal of the existing law prohibiting persons of color or persons having one-eighth or more of negro blood from testifying as witnesses in any cause in which a white person is a party in interest, beg leave to dissent from the views of a majority of said committee recommending the repeal of said law, and submit the following reasons adverse to such repeal:

The act of 1853, on page 60 of the acts of that year specifically provides that "no Indians or person having one-eighth or more of negro blood shall be permitted to testify as a witness in any cause in which a white person is a party in interest." This act, which was omitted by mistake or oversight in the general revision of 1852, was cordially endorsed and approved by the great mass of the people of Indiana, who would regard any effort to repeal the same at this time, inexpedient and impolitic in the highest extreme.

The Constitution of our State does not in express terms, although it protects their persons and property, while at the same time it prohibits their further immigration into our State under penalty.

The undersigned believe that the repeal of existing laws upon this subject would have a tendency to increase the prejudice and ill-feeling already existing among the white and black races among us, to enjender strife and discord among them, and in short, would be the first step in the fanatical attempt to place the negro upon a level, social and political, with the white man, in which movement we do not believe the great mass of the people at all sympathize. If we admit them as witnesses in any cause in which white persons are parties in interest,with all their natural want of reliability, we invite the enactment of other laws to grant them all the rights and immunities of white citizens. If we do this we must necessarily acknowlede their right to participate in elections and to hold a portion of the offices under our government. It would then naturally follow to allow them to set in the jury-box with white men, to preside on the bench in our courts of judicature, to hold any and all other offices within the gift of the people.

Nor would it stop here, for if we extend to them all of these rights and privileges, how can we deny that they are our equals? And if we extend to them this equality the seal of darkness, that God has so indelibly fixed upon them notwithstanding, how could we deny them the right, likewise, to enter into our family circle and our households and to take our fair daughters to their dusky bosoms as partners for life, and thus produce an universal amalgamation of black and white blood.

The above are a few of the many reasons the undersigned have for disagreeing with the majority of said committee and disclaiming their report. The undersigned recommend that the memorial be laid on the table.

QUINTON LOMAX,
WM. E. McLEAN,
ARCHIBALD JOHNSTON.

The question being, will the Senate concur in the report of a majority of the committee?

The ayes and noes were demanded by Senators Heffren and Johnston,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Green, Hendry, Hill, Kinley, March, Thompson and Turner—10.

Those who voted in the negative were,

Messrs. Anthony, Brown, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Wagner, Williams and Wilson—28.

So the majority report of the committee was not concurred in.

The question recurred, will the Senate concur in the report of the minority of the committee?

The ayes and noes were demanded by Senators McLean and Studabaker.

Those who voted in the affirmative were,

Messrs. Anthony, Brown, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Beeson, Blair, Bobbs, Green, Hendry, Hill, Kinley, March, Thompson and Turner—10.

So the minority report of the committee was concurred in.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 25. An act for the investment, distribution and

safe-keeping of the funds arising from the 113th and 114th sections of "an act establishing a State bank," approved January 28th, 1834, and providing for the purchase of bank bonds, and prescribing the duties of certain officers therein named.

SPECIAL ORDER.

The Senate proceeded to the consideration of Senate bill No. 85, "a bill to provide for a general system of common schools, the officers thereof, and their respective powers, duties and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," made the special order for to-day at 10 o'clock, A. M.

The bill was read a third time.

On motion by Mr. Cravens,
A call of the Senate was ordered.

The Secretary proceeded with the call,
Whereupon the following Senators answered to the call:

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—42.

Messrs. Cooper, Rice, Wallace and Weir were excused from the call.

On motion by Mr. Heffren,
The further call of the Senate was dispensed with.

Mr. Culver moved to recommit the bill to the committee on education with instructions to so amend it as to make it the duty of the county auditor in each county that receives more school tax than they pay into the county treasury to keep a separate account of the amount they receive from other counties, and when they disburse the same, let it be disbursed, not under the title of "common school funds," but as money filched by legal enactment from the tax payers of other counties, being a just proportion of the plunder.

Mr. Murray moved to lay the motion to recommit with instructions on the table.

The ayes and noes were demanded by Senators Culver and Conley.

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Fisk, Green, Hendry, Hill, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, Odell, Robinson, Shoemaker, Steele, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—27.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Culver, Hargrove, and Johnston—7.

So the motion to recommit was laid on the table.

Mr. Heffren moved to amend the bill by adding the following section:

SEC. —. That nothing contained in this act shall be so construed as to impair any right or cause of action, or suits now pending in any court against any trustee or trustees of any township in their official capacity, in which the right of action may have accrued under the law as it now stands, and that such suits shall in all respects be prosecuted the same as if the law under which said suits or cause of action had not been repealed.

Which was unanimously agreed to.

Mr. Line moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Fisk, Green, Heffren, Hendry, Jones, Line, March, Murray, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—26.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Craven, Culver, Gooding, Hargrove, Hill, Johnston, Kinley, Lomax, McClure and Miller —14.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Studabaker moved to amend the title of so that it will read as follows:

"An act to provide for a general system of common schools, the officers thereof, and their respective powers, duties and matters properly connected therewith; and to repeal "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof," and all other laws in conflict with this act."

Which was agreed to.

Leave being granted,
Mr. Blair introduced

Senate bill No. 271. A bill to amend the third section of an act entitled "an act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7th, 1852,

Which was read a first time.

Mr. Blair moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, Odell, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson—38.

No Senator voting in the negative.

So the rules were suspended and the bill was read a second time by its title.

Mr. Shoemaker moved to consider the bill as engrossed, and read the same a third time now.

Which was agred to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carna-

han, Cobb, Conley, Conner, Cravens, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, Robinson, Shoemaker, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Gooding,

Senate bill No. 143. A bill to regulate and restrain the sale, barter or giving away of spirituous and intoxicating liquors to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons under certain circumstances, and to punish any violations of any of the provisions of this act, and declarative of the duties of district or city attorneys in relation thereto, and fixing the penalty for neglect or failure to discharge such duties,

Was taken from the table, and made the special order for to-day at 2 o'clock, P. M.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendment, the following engrossed bills of the Senate:

Senate bill No. 51. A bill for the better protection of religious meetings, agriculture fairs, and other lawful assemblages of the people. Also,

Senate bill No. 62. A bill for the relief of the Indiana University, and to increase and extend its benefits, by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto.

On motion by Mr. Green,

The Senate adjourned.

2 o'clock, p. m.

The Senate met.

On motion by Mr. Williams,

House bill No. 267. A bill prescribing the time of holding and the length of the terms of the courts in the third judicial circuit,

Was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, Odell, Robinson, Shoemaker, Thompson, Turner, Wagner, Weir, Williams and Wilson—35.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

SPECIAL ORDER.

The Senate proceeded to the consideration of Senate bill No. 143, "a bill to regulate and restrain the sale, barter or giving away of spirituous and intoxicating liquors to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons under certain circumstances, and to punish any violations of any of the provisions of this act, and declarative of the duties of district or city attorneys in relation thereto, and affixing the penalty for neglect or failure to discharge such duties," made the special order for 2 o'clock, P. M.

Mr. Beeson moved to recommit the bill to the temperance committee with instructions to strike out the same from the enacting clause and insert the following:

That it shall be lawful for any citizen of Indiana to sell, barter or give away any spirituous, malt or other intoxicating liquors in any quantity whatever, and for any purpose whatever, subject to the following restrictions and regulations:

SEC. 2. No spirituous, malt or other intoxicating liquors shall be sold, bartered or given away on the first day of the week, commonly called Sunday, or on the day of any general or special election, for State or county, or township officers, or to any person under the age of twenty-one years; unless, in the case of minors, a written order or permit from the parent, guardian, or employer of said minor shall be present at the time of each sale.

SEC. 3. The liquor so sold, bartered or given away, or any part thereof, shall not be drank in or about the house, out-house, boat, tent, booth, wagon or premises of the person selling, bartering or giving it away.

SEC. 4. Before any person shall be permitted to sell, barter or give away any spirituous, malt or other intoxicating liquors in a less quantity that one gallon, he or she shall file with the auditor of his or her county, the following:

"Know all men, that we, ————, principal, and ————, and ————, sureties, all of whom are resident citizens of ———— township, ———— county, Indiana, and the latter two of whom are worth, in their own names, one thousand dollars each, above all indebtedness, are firmly bound to the State of Indiana in the penal sum of one thousand dollars, conditioned as follows: Whereas, the aforesaid ——— principal in this bond, proposes to sell, barter or giving away spirituous, malt and other intoxicating liquors in less quantity than one gallon, in the township aforesaid; now if he shall conform, in all respects to the laws of Indiana, relating to the trafic in such liquors, then this bond shall be null and void; otherwise it shall remain in full force and effect, for one year from the date hereof, and no longer.

(Signed,) ——— ———.

———— day of ——.

SEC. 5. If any keeper of any saloon or eating house, store, tavern, shop, boat, booth, tent, wagon, or other place of public resort or business, shall allow spirituous, malt, or other intoxicating liquors to be drank in or about his saloon, eating-house, store, tavern, shop, boat, booth, wagon, tent, or other place of business, except by members of his own family, or persons in his employ, not including boarders, he shall be guilty of a misdemeanor and shall be fined and imprisoned, the same as if he had sold the liquors drank.

SEC. 6. If any person shall sell, barter or give away any spirituous, malt or other intoxicating liquors, in less quantities than one gallon, without having first filed the bond aforesaid, he shall be deemed guilty of a misdemeanor, and fined for the first offense ten dollars, and for the second offense twenty dollars, and for the third offense, and every subsequent offense fifty dollars, and be imprisoned in the county jail not less than thirty days.

SEC. 7. In addition to the forfeiture of the bond, provided in the fourth section of this act, the principal shall be liable to the penalties prescribed in the sixth section, if he violate any of the provisions of this act.

SEC. 8. If any person shall be found in the street or public highway, or in any public place, in a state of intoxication, it shall be the duty of any justice of the peace, or mayor of the city, before whom information shall be lodged by affidavit, to cause the arrest of said intoxicated person, and he shall be fined for the first offense one dollar, for the second offense two dollars, and for the third and every subsequent offense, he shall be imprisoned in the county jail, at the discretion of the court, not exceeding ten days.

SEC. 9. Justices of the peace, mayors of cities and courts of common pleas, shall have original and concurrent jurisdiction in all cases arising under this act; and it is hereby made the duty of every district or prosecuting attorney to prosecute such cases, but in the absence or neglect of such officer, any attorney may prosecute the same, and a docket fee of five dollars shall be a part of the costs in the case, which shall be for the services of the attorney prosecuting the case.

SEC. 10. If any husband or wife, son or daughter, brother or sister, father or mother, master, employer or guardian, shall upon affidavit, before any justice of the peace or mayor of a city, set forth that a certain person, naming him or her, obtains spirituous, malt or other intoxicating liquors, and uses the same to the neglect of his or her business, or to the injury of his or her family, or to the injury of the affiant, sustaining one of the relations aforesaid, to said person, then it shall be the duty of said justice of the peace or mayor, to notify all persons who have given the bond aforesaid, within the township of said affidavit, and order them not to sell spirituous, malt or other intoxicating liquors, to the person named in the affidavit, without a written permit from the affiant, within the six months next succeeding the giving of the notice; and should any person afterwards sell, barter or give such liquor or liquors, in any quantity, to the person alluded to in the affidavit and notice, contrary to the conditions of the notice, he shall forfeit his bond and be liable to the penalties prescribed in section sixth of this act. The costs of such affidavit and the notices shall be taxed to the affiant.

SEC. 11. Words importing the singular number in this act may be applied to the plural, and words denoting the masculine gender may be applied to females.

SEC. 12. Masters and employers shall be responsible for their agents and employees, in all cases arising under this act, and any device or contrivance to keep a tippling house, in defiance of the plain intent and meaning of this act, shall be deemed a misdemeanor, and shall be punished as prescribed in section sixth in this act.

SEC. 13. All laws and parts of laws, inconsistent with this act, are hereby repealed.

SEC. 14. Whereas there is no law, suppressing tippling houses, or regulating the sale of spirituous, malt and other intoxicating liquors; and whereas the evils of intemperance are many and increasing, therefore an emergency is declared to exist, and this act

shall take effect from and after thirty days after its publication in the Indiana American and Indiana State Journal.

The question being, shall the bill be recommitted with instructions?

The ayes and noes were demanded by Senators Beeson and Heffren.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Conner, Hill, Jones, Lomax, Murray, Shoemaker, Steele, Stevens, Thompson, Wagner and Weir—14.

Those who voted in the negative were,

Messrs. Anthony, Brown, Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Johnston, Kinley, Line, McClure, McLean, March, Miller, O'Brien, Odell, Robinson, Slack, Studabaker, Tarkington, Turner, Williams and Wilson—28.

So the bill was not recommitted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Brown, Cobb, Conner, Cravens, Craven, Gooding, Green, Hendry, Jennings, Jones, Kinley, McLean, March, Murray, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Weir and Wilson—24.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Carnahan, Conley, Fisk, Hamilton, Hargrove, Heffren, Hill, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Robinson, Shoemaker, and Williams—20.

So the bill did not pass.

Leave being granted,
Mr. Kinley, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 74, "a bill declaring certain places, in which spirituous or intoxicating liquors are kept and sold, to be nuisances, and providing for the abatement of the same," have had the same under consideration and

have directed me to report it back to the Senate with the following amendment, and when so amended to recommend its passage:

Before the word "concurrent," insert the words "original and."

Which report was concurred in.

The question being, shall the amendment, proposed by the committee, be adopted?

It was agreed to.

Mr. Kinley, moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Brown, Cobb, Conley, Craven, Green, Hendry, Hill, Johnston, Kinley, March, Miller, Murray, Steele, Stevens, Thompson and Turner—19.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Conner, Fisk, Hamilton, Hargrove, Heffren, Line, Lomax, McClure, McLean, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Weir, Williams and Wilson—20.

So the bill did not pass.

Leave being granted,

Mr. Heffren, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred House bill No. 147, "a bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates therefor," have had the same under consideration and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Heffren moved to read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bobbs, Cobb, Conley, Cravens, Culver, Hamilton, Heffren, Kinley, Line, McLean, March, Miller, O'Brien, Odell, Steele, Stevens, Tarkington, Turner and Wagner—21.

Those who voted in the negative were,

Messrs. Bennett, Blair, Brown, Carnahan, Conner, Fisk, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Lomax, McClure, Murray, Robinson, Shoemaker, Slack, Studabaker, Thompson, Weir and Williams—24.

So the bill did not pass.

Leave being granted,
Mr. Bobbs, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 188, "a bill supplemental to an act entitled 'an act to authorize and regulate the business of general banking,' approved March 3, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act," have had the same under consideration and have directed me to report the same back to the Senate without amendment and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to morrow.

On motion by Mr. Wagner,
The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following enrolled act of the House the Governor's objections to the contrary notwithstanding:

Enrolled act No. 195. An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State and for the safe-keeping of the public moneys.

And also to submit to the Senate the accompanying message from his Excellency, the Governor, containing his objections to the bill:

Gentlemen of the House of Representatives:

I return to you House bill No. 195, entitled "an act to provide a treasury system for the State of Indiana, the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public moneys," with the following objections:

Section second of the bill determines that all debts due to the State may be paid in the bills of the specie paying banks created by laws of this State, and that all the creditors of the State shall be required to accept in payment of any claim or claims they may have the notes of such banks. Section 10 of article 1 of the Constitution of the United States declares that no state shall make anything but gold and silver coin a tender in payment of debts. The State cannot therefore make the creditor of a citizen accept in payment anything but gold and silver. Nor do I believe that she can rightfully discharge her own obligations and compel her creditors to receive in satisfaction anything but the currency of the Federal Government. Under the new constitution it was clearly intended that the State should not be a stockholder in or loan its credit to any bank created by the laws of this State, except that the trust funds might be invested in a bank with branches. The effect of section second to which I have alluded is to loan to the various banks all the funds of the State, derived either from revenue, collected by taxation or from payments made by those who are her debtors.

It makes no difference so far as the banks are concerned, whether their notes are received into the treasury, there to be held by the State and not paid out, or the State loans to them directly the entire amount of its revenues, to be paid by the banks as the public necessities may require. If the proposition was made to loan directly to the various banks all the public moneys, to be paid by them on request, could it for a moment command your approval? Notwithstanding all the guards that have been thrown around and the guaranties given for the protection, security and solvency of the banks, would you be willing to make them the depositories of the public funds. If you would not be willing thus to loan the public money, should you by indirection accomplish the same purpose? The Legislature is absolutely prohibited by the Constitution from enacting a law which would authorize the direct loan. Have they the power to do the same in this indirect manner.

Experience has clearly shown in the administration of the Federal Government that whenever that Government has collected its revenues in the notes of banks or made its deposits with them, it has proved disastrous not only to the Government but to the business interests of the country.

You will all readily recall to mind the immense defalcations which occurred before the Federal Government required all its revenues to be paid in constitutional currency, and every officer who embezzled any portion of the public funds was subjected to punishment. You will likewise remember the terrible disasters which overtook the banks

when they were the depositories of the public funds. Since the change in the law was made few, if any losses have occurred.

May we not well draw the inference that it is safer for the State to collect her dues in constitutional currency, and make its disbursements in the same? May we not conclude that it is safer for the business interests of the country to allow no part of the public moneys to be used that it shall enure to the imaginary benefit of any banking institution; and it does appear to me that those who are the owners and managers of the banks will find it more safe to the institutions under their control if no temptation is held out for the enlargement of their circulation by the State holding in the treasury their notes.

Section 16 of the bill reads as follows:

At some convenient period prior to the falling due of the interest on the foreign debt of the State, payable at New York, the Treasurer shall, without making any discrimination, draw on the bank notes in the treasury an amount of specie sufficient to pay said interest, which he shall transmit to New York by express or otherwise, as may be deemed most safe, but any bank or banks on whose notes specie is thus demanded, may redeem such notes to the extent of such demand by draft on New York, payable fifteen days preceding the day of payment of said interest and without any premium of exchange, and giving ample security to the Treasurer for the prompt payment thereof."

Section 7 of article 11 of the Constitution provides, "all bills or notes issued as money shall be at all times redeemable in gold and silver, and no law shall be passed sanctioning, directly or indirectly, the suspension by any bank or banking company of specie payments. Can section 10 of the bill become a law consistent with the section of the Constitution above quoted? I do not know how it is possible for the Treasurer of State to present the bill or notes of a bank, demand for the redemption of them gold or silver, and be required to accept in lieu thereof drafts on New York, unless it is the intention of the Legislature to relieve the banks from the payment of their notes in specie. If the Legislature can thus relieve the banks from their obligations to pay specie to the State when demanded, can it not, with equal propriety, with equal justice, with equal legality, relieve them from any liability if they fail to pay specie to any citizen when he may present any of their notes and ask its redemption in coin.

A safe, well secured paper money, regulated and controlled by the laws of our own State, is better than a paper money created and regulated by the laws of other States. But to make that paper money safe to be received by any person in the sale of property, it is necessary that those who issue it shall be confined strictly to its redemption in specie when presented. It is enough that power is given for the establishment of banks, with all their privileges and rights, without giving to them the power to refuse to redeem their notes when presented. The people of the State never would have con-

sented that the Legislature should be empowered to establish a bank and permit the same to exist unless all its issues were required to be redeemed upon presentation. Least of all, would they now consent that the money collected from them by taxation should be presented and the banks allowed to refuse its redemption.

ASHBEL P. WILLARD.

The question being, shall the bill pass, the objections of the Governor to the contrary notwithstanding?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hill, Johnston, Jones, Kinley, McLean, Murray, Odell, Robinson, Steele, Stevens, Turner, Wagner and Weir—26.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Hargrove, Heffren, Hendry, Jennings, Line, Lomax, McClure, March, Miller, O'Brien, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Williams and Wilson—21.

So the bill passed, the objections of the Governor to the contrary notwithstanding.

A message from the Governor, by Mr. Osbourne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 112. An act to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the

Senate, for the signatures of the President and Secretary thereof, enrolled House bill No. 224.

The President and Secretary signed the bill.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signature of the President and Secretary thereof, the following enrolled bill of the House, No. 267.

The President and Secretary signed the bill.

Mr. Bennett, from the committee on free conference, made the following report:

MR. PRESIDENT:

The committee on free conference to whom was referred the disagreement of the House to the engrossed amendments of the Senate to House bill No. 93, "a bill to amend the 6th section and the third clause of the 7th section of an act entitled 'an act regulating the granting of divorces, nullification of marriages and decrees, and orders of courts incident thereto," approved May 13, 1852, have had the same under consideration and have instructed me to make the following joint report, and recommend that the Senate concur therein:

Strike out from the engrossed amendments of the Senate the sixth specification thereof, and insert the section accompanying this report:

Immediately following the second section of the House bill insert the 1st, 2d, 3d, 4th, 5th and the 6th specifications of the Senate amendments, as amended.

To the third section of the House bill add the 8th specification of the Senate amendments.

Close the bill with emergency clause of the Senate amendment.

SEC. —. Parties against whom a judgment of divorce has heretofore or shall hereafter be rendered without other notice than publication in a newspaper, may have the same opened at any time so far as relates to the care, support and custody of children.

Parties against whom a judgment of divorce shall hereafter be rendered without other notice than publication in a newspaper may at any time within two years after the rendition of such judgment have the same opened and be allowed to defend so far as the same relates to the allowance of alimony and the disposition of property.

Before any judgment shall be opened as above for any cause, the applicant shall file a statement of the causes relied upon and give such notice thereof as the court in term time or the judge thereof in

vacation shall require; and when the cause specified by such applicant relates to alimony and the disposition of property, the applicant shall file an affidavit stating that during the pendency of the action he or she received no actual notice thereof in time to appear in court at the trial of such action and object to such judgment, and shall also pay such costs as the court may direct.

Any property which may have been sold under any such judgment so sought to be opened and which shall have passed into the hands of a purchaser or purchasers in good faith, shall not be effected by any proceeding consequent upon the opening of such judgment: *Provided*, That the dissolution of the marriage contract shall in no case be set aside under the provisions of this act.

Which report was concurred in.

The question being, will the Senate concur in the amendments proposed by the committee on free conference.

It was agreed to.

ORDERS OF THE DAY.

Senate Bills on their Third Reading.

Senate bill No. 53. A bill to authorize county commissioners to award compensation to persons who may bring to justice fugitives from the same,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Carnahan, Craven, Culver, Hamilton, Hargrove, Murray, Odell, Shoemaker, Steele and Thompson—10.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Fisk, Gooding, Green, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Robinson, Slack, Stevens, Studabaker, Tarkington, Turner, Williams and Wilson—33.

So the bill did not pass.

Senate bill No. 106. A bill to provide for the relief of purchasers of real estate at sheriff's sales under executions issued on judgments issued against sureties on forfeited recognizances, where such recognizances had been taken after the Revised Statutes of 1852 took effect and when such sureties being the owners of such real es-

tate, had sold and conveyed the same after becoming such recognizors, but before judgments of forfeiture thereof had been taken,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Craven, Hamilton, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Studabaker, Tarkington and Thompson—28.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Cobb, Cravens, Culver, Fisk, Gooding, Green, Line, Slack, Steele, Williams and Wilson—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 158. A bill concerning the jurisdiction of the person of the defendant in civil actions not resident of the county or township in which the suit is brought.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Culver, Gooding, Green, Hamilton, Hendry, Hill, Johnston, Jones, Kinley, McLean, March, Miller, Murray, O'Brien, Robinson, Slack, Steele, Studabaker, Thompson, Turner, Wagner and Wilson —30.

Those who voted in the negative were,

Messrs. Beeson, Carnahan, Conley, Craven, Fisk, Hargrove, Heffren, Line, Lomax, McClure, Tarkington and Williams—12.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Jones moved to amend the title so as to read as follows:

An act to limit jurisdiction in civil actions to the county or township where one of the parties immediately liable to judgment resides.

Which was agreed to.

Senate bill No. 130. A bill to prevent the sale of adulterated liquors, to prevent adulteration and to prescribe punishment therefor.

Was read a third time.

Mr. Wagner moved to indefinitely postpone the bill.

On motion by Mr. Heffren,

The motion to indefinitely postpone the bill was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Craven, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, McClure, McLean, March, Miller, O'Brien, Odell, Shoemaker, Steele, Stevens, Tarkington, Thompson, and Williams —30.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Cobb, Culver, Fisk, Gooding, Hamilton, Line, Lomax, Robinson, Studabaker, Turner, Wagner and Wilson—14.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren moved to amend the title by adding thereto, "and appointing a county chemist and prescribing his duties."

Which was agreed to.

Senate bill No. 155. A bill to prevent the keeping of gaming, tippling, lewd or disorderly houses, to protect the public morals, to define the duties of certain officers in relation thereto, to provide punishment for violations of this act, and to repeal all laws in conflict herewith.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Conley, Conner, Cravens, Craven, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, McLean, March, Murray,

O'Brien, Robinson, Slack, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson—32.

Those who voted in the negative were,

Messrs. Brown, Cobb, Culver, Heffren, Line, Lomax, McClure, Odell, Shoemaker, Studabaker and Tarkington—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 177. A bill to amend the 18th section of an act entitled "an act to amend section 1 of an act entitled 'an act for the regulation of weights and measures,'" approved June 9, 1852, approved February 28, 1855.

Was read a third time.

On motion by Mr. Anthony,

The bill was re-committed to the committee on agriculture.

Leave being granted,

Mr. March introduced

Senate bill No. 272. A bill to amend the third section of "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof, and repealing sections 29 and 30 of said act, passed at the present session."

Which was read a first time.

Mr. March moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Shoemaker, Stevens, Studabaker, Thompson, Turner, Williams and Wilson—35.

Those who voted in the negative were,

Messrs. Anthony, Cravens, Gooding, Jennings, Miller, Odell, Slack, Steele and Wagner—9.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. March,
The bill was referred to a select committee of three.

The President appointed Senators March, Bennett and Wagner.

Mr. Line moved to instruct the committee to add the county of Wayne to the district named in the bill.

Mr. Cravens moved to further instruct the committee to construct a district composed of the counties of Jefferson, Switzerland and Ohio.

Mr. Wagner moved to further instruct the committee to construct a district composed of the counties of Benton, Warren, Fountain, Montgomery and Vermillion.

On motion by Mr. March,
The instructions were laid on the table.

Mr. Gooding moved to instruct the committee to construct a district composed of the counties of Hancock, Shelby, Rush and Johnson.

Mr. Slack moved to further instruct the committee to construct a district composed of the counties of Allen, Adams, Wells, Huntington and Whitley.

On motion by Mr. Hendry,
The motion submitted by Mr. Slack was laid the table.

Mr. Heffren moved to pass informally over the pending instructions to afford him an opportunity to introduce a resolution.

The ayes and noes being demanded by Senators Wagner and Slack,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner, Williams and Wilson—35.

Those who voted in the negative were,

Messrs. Anthony, Brown, Gooding, Jennings, Miller, Odell, Slack, Steele, Tarkington and Wagner—10.

So the motion to pass informally over the pending instructions prevailed; and

Mr. Heffren offered the following resolution:

Resolved, That the Governor be requested to return to the Senate Senate bill No. 102, for its further consideration.

The ayes and noes were demanded by Senators Heffren and Slack,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Green, Fisk, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Shoemaker, Stevens, Thompson, Turner, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Anthony, Brown, Gooding, Jennings, Jones, Odell, Slack, Steele, Tarkington and Wagner—11.

So the resolution was adoption.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof enrolled bill of the House No. 134.

The President and Secretary signed the bill.

On motion by Mr. Hamilton,
The Senate adjourned.

WEDNESDAY MORNING, 9 o'CLOCK,
March 2, 1859.

The Senate met.

The reading of the Journal was dispensed with.

Mr. Green moved to reconsider the vote taken on yesterday by which House bill No. 147 did not pass.

Which was agreed to, and

House bill No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates therefor,

Was taken up.

Mr. Green moved to recommit the bill to a select committee with instruction to amend as follows:

Strike out after the word "that," in the second line, the following words: "The board of directors of any company heretofore incorporated or which may hereafter be found under any law of this State," and inserting the following:

Section two of an act entitled "an act to incorporate the Ohio and Mississippi railroad company," passed 14th February, 1848, which is in the following words, to-wit: "The capital stock of said company shall be five millions of dollars to be divided into shares of fifty dollars each; *Provided*, That if the capital stock of said company, or the actual amount at any time subscribed, shall be deemed insufficient for the purposes aforesaid of this act, it shall be lawful for the president and directors of said company from time to time to increase the said stock by the addition of as many shares as they may deem necessary, for which they may at their option cause subscriptions to be received in the manner prescribed by them, or may sell the same for the benefit of the company," be amended by adding thereto the following, to-wit: "The board of directors of said company."

Amend the title as follows:

"An act to amend section 2 of 'an act to incorporate the Ohio and Mississippi railroad company,' so as to authorize the board of directors to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates therefor"

Which was agreed to, and

The President appointed Senators Green, Heffren and Cobb said select committee.

On motion by Mr. Turner,

House bill No. 221. A bill fixing the time for holding the circuit courts in the twelfth judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith,

Was taken up and read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Weir, Williams and Wilson—40.

Senator Hargrove voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Slack presented the petition of the attorneys, county officers, and sundry citizens of Whitley county, asking the passage of an act extending the length of the terms of the circuit court in that county.

Whereupon, Mr. Slack introduced

Senate bill No. 273. A bill fixing the time of holding courts in the tenth judicial circuit of the State of Indiana,
Which was read a first time.

Mr. Slack moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Robinson, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—44.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Hendry moved to amend the bill so as to provide for the holding of a three weeks term of said court in the counties of Kosciusko, Elkhart, Lagrange and Noble, and two weeks in the counties of Steuben and Dekalb.
Which was agreed to.

On motion by Mr. Slack,
The bill was referred to a select committee of three.

The President appointed Senators Slack, Hendry and Conner said select committee.

Leave being granted,
Mr. Green, chairman of the committee on swamp lands, made the following report:

MR. PRESIDENT:

The committee, to whom was referred Senate bill No. 221, "a bill to confirm the title to certain swamp lands," have had the same under consideration, and recommend that the same shall be amended by striking out all after the enacting clause, and insert the following:

A bill declaring to whom the title and possession of swamp lands shall be adjudged, whose patents to the same lands have been issued by the Governor to different persons or parties, and releasing the title of the State to the person or party to whom such title and possession shall be adjudged, and legalizing and confirming the patent or patents under which such person or party claims title.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That where the same tract or tracts of swamp lands have been patented by the Governor of this State, to different individuals or parties, who have purchased the same in good faith, and paid the purchase money therefor, and suit shall be brought by either to recover the possession thereof, or to quiet the title thereto, and it shall appear on the trial that neither of the persons or parties to whom such patents have been issued, has a legal title thereto under such patents, the title and possession shall be adjudged to the person or party whom the court shall decide equitably entitled thereto, and where the equities are otherwise equal, the title and possession shall be adjudged in favor of the person or party, claiming under the oldest patent. *Provided*, That either party shall have the right of appeal, in the same manner as now prescribed by law in other cases.

SEC. 2. The State hereby releases all her interest in and to such lands to the person or party to whom the same shall be adjudged, as provided in the preceding section of this act, and hereby legalizes and confirms the patent or patents, under which such person or party claims and is adjudged the title by the court.

SEC. 3. Whereas parties holding patents, issued as heretofore named, are uncertain of their right, it is declared that an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

And when so amended recommend its passage.

Which report was concurred in.

The question being, shall the amendment be adopted?
It was agreed to.

Mr. Heffren moved that the bill be considered as engrossed and read a third time now.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Brown, Conley, Culver, Fisk, Green, Hargrove, Heffren, Lomax, McClure, McLean, March, Miller, Murray, Odell, Slack, Steele, Stevens, Wagner and Williams—20.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Blair, Carnahan, Cobb, Conner, Cravens, Craven, Gooding, Hamilton, Hendry, Hill, Johnston, Jones, Kinley, Line, O'Brien, Robinson, Shoemaker, Studabaker, Thompson, Turner and Weir—23.

So the bill did not pass.

A message from the Governor, by Mr. Osbourne, Executive messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 224. An act to prevent the spread of the Canada thistle, prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed.

House bill No. 134. An act to amend the first section of an act entitled "an act concerning real property, and the alienation thereof," approved May 6, 1852.

On motion by Mr. Wagner,

Senate bill No. 249. A bill for the formation of new counties, and providing for the organization thereof,
Was taken from the files, and

Mr. Wagner moved that the bill be recommitted to a select committee of three.

Which was agreed to, and

The President appointed Senators Wagner. Wilson and Lomax said select committee.

On motion by Mr. Murray,

Senate bill No. 219. A bill to amend an act approved January 27, 1847, entitled "an act to amend an act entitled 'an act to incorporate the Eel River Seminary Society,' approved Jan. 1, 1829, and for other purposes;" to amend the 2d section of an act to repeal the 3d, 5th, and 8th sections; to clothe said society with additional powers; to provide for the increase of stockholders, the election of five trustees as sole managers of the affairs of said society, and their term of office, and the effect of a failure to elect, and to confirm the act of the board of commissioners of Cass county in releasing to the stockholders of said society all the interest of the county in the society's property and revenues, and releasing all claim of the State thereto, and releasing the corporation from the operation of the act requiring the sale of county seminaries, and legalizing the proceedings of said corporation,

Was taken from the files, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson—40.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Weir introduced

Senate bill No. 274. A bill to declare valid all acts done by notaries public in taking acknowledgments of deeds, and other instruments in writing, and doing other official acts after being elected to another office,

Which was read a first time and passed to a second reading on to-morrow.

Leave being granted,

Mr. Green, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was recommitted House bill No. 147, "a bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates therefor," have had the same under consideration and have directed me to report the same back, with the addition of the amendments in accordance with the instructions of the Senate, and when so amended they recommend its passage.

Which report was concurred in, and the amendments adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Cobb, Conley, Conner, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Johnston, Line, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner and Wagner—32.

Those who voted in the negative were,

Messrs. Blair, Brown, Carnahan, Fisk, Gooding, Hill, Jones, Kinley, Lomax, Williams and Wilson—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. McLean,

Senate bill No. 211. A bill to regulate the business of foreign insurance companies within the State of Indiana and prescribing the duties of such companies, and to repeal an act entitled, "an act to amend an act for the incorporation of insurance companies, defining their powers and duties," approved March 2, 1855.

Was taken from the files and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Cobb, Conley,

Conner, Craven, Fisk, Gooding, Green, Hamilton, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McLean, March, Miller, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—34.

Those who voted in the negative were,

Messrs. Blair, Carnahan, Hargrove, Heffren, McClure, Williams and Wilson—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. McLean moved to amend the title by adding after the word "companies," the words "doing business."
Which was agreed to.

A message from the Governor, by Mr. Osborne, Executive Messenger.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 62. An act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto.

Mr. Heffren moved that the order of business be suspended and the message from the House containing Senate bill No. 102 be taken up.

The ayes and noes being demanded by Senators Bennett and Heffren,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson—32.

Those who voted in the negative were,

Messrs. Anthony, Blair, Bobbs, Cravens, Fisk, Gooding, Green, Jennings, Miller, Odell and Studabaker—11.

So the order of business was suspended, and
The following message from the House taken up:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following engrossed bill of the Senate, with an amendment thereto, viz:

Senate bill No. 102. An act to amend the third section of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof," and repealing sections 29 and 38 of said act.

Engrossed amendments of the House to Senate bill No. 102:

For the purpose of electing judges for the court of common pleas the State shal be divided as follows: Posey, Vanderburgh, Warrick and Gibson, shall be a district; Knox, Daviess, Pike and Martin, a district; Spencer, Perry, Dubois, Crawford and Orange, a district; Harrison, Floyd, Washington, Clark and Scott, a district; Jefferson, Switzerland, Ohio, Ripley and Dearborn, a district; Franklin, Fayette, Union and Wayne, a district; Henry, a district; Jackson, Jennings, Bartholomew and Lawrence, a district; Morgan, Johnson, Shelby, Brown and Monroe, a district; Green, Clay, Owen and Putnam, a district; Vigo, Parke and Sullivan, a district; Rush, Henry, Hancock, Madison and Decatur, a district; Marion, Hendricks and Boone, a district; Montgomery, Vermillion, Fountain and Warren, a district; Hamilton, Tipton, Clinton, Howard and Grant, a district; Tippecanoe, Benton, White and Carroll, a district; Lake, Porter, Jasper, Stark and Pulaski, a district; Laporte, St. Joseph, Marshall and Elkhart, a district; Randolph, Delaware, Jay and Blackford, a district; Lagrange, Steuben, Dekalb, Noble and Whitley, a district; Allen, Adams, Huntington and Wells, a district; Cass, Miami, Fulton, Kosciusko and Wabash, a district; in each of which districts there shall be elected a common pleas judge on the second Tuesday in October, A. D., 1860, and every fourth year thereafter.

SEC. 2. The annual salary of the judges of the court of common pleas shall be one thousand dollars.

SEC. 3. The court of common pleas shall sit at the court house of the proper county and shall hold three terms a year, beginning with the first Monday in January annually, and then the first Monday of every fourth month thereafter: *Provided*, That if the circuit court of said county shall be in session at the time, the common pleas shall be held on the Monday succeeding the term of the circuit court.

SEC. 4. Sections twenty-nine and thirty-eight of an act entitled "an act to establish courts of common pleas and defining the duties and jurisdiction of and providing compensation for the judges thereof," be and the same are hereby repealed.

SEC. 5. Nothing in this act shall be so construed as to prevent the judges now acting from serving as such in the districts in which they were elected respectively, nor shall sections two, three and four of this act take effect and be in force until the judges elected at said October election in 1860, shall be commissioned and qualified.

The title amended as follows, by adding "and repealing sections twenty-nine and thirty-eight of said act."

In which the concurrence of the Senate is respectfully requested.

In this connection the following message from his Excellency, the Governor, was taken up.

A message from the Governor, by Mr. Osborne, Executive Messenger.

Gentlemen of the Senate:

In accordance with your request as expressed in a resolution which has been presented, I return to you Senate bill No. 102. I cannot approve the bill for the reason that there is no provision made for the holding of courts of common pleas in the counties of Randolph, Delaware, Jay and Blackford.

ASHBEL P. WILLARD.

The President deciding that the message from the Governor with his reasons for not approving the bill was a veto message.

Mr. Heffren appealed from the said decision as follows:

"I appeal from the decision of the chair that the message from the Governor returning Senate bill No. 102, in accordance with a resolution of the Senate adopted on yesterday, and giving his reasons why he could not approve the same, was a veto message.

HORACE HEFFREN."

The question being, shall the decision of the President stand as the judgment of the Senate?

The ayes and noes being demanded by Senators Bennett and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Conner, Craven, Gooding, Green, Hamilton, Hendry, Hill, Jennings, Jones, Line, McLean, Miller, Odell, Rice,

Slack, Steele, Studabaker, Thompson, Turner, Wagner and Williams—22.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Culver, Fisk, Hargrove, Heffren, Johnston, Kinley, Lomax, McClure, March, Murray, O'Brien, Robinson, Shoemaker, Stevens, Tarkington and Wilson—24.

So the decision of the President was not sustained.

Mr. Murray moved to refer the bill and the engrossed amendments of the House to a select committee of five, with instructions to report them back at 2 o'clock P. M. to-day.

The ayes and noes being demanded by Senators Cobb and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Conner, Cravens, Gooding, Hamilton, Jennings, Jones, Line, Miller, Murray, Odell, Slack, Steele, Studabaker, Tarkington, Turner, Wagner and Williams—19.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, March, O'Brien, Rice, Robinson, Shoemaker, Stevens, Thompson and Wilson—26.

So the motion to refer did not prevail.

Mr. Slack moved to concur in the engrossed amendments of the House with an amendment "to strike the county of Whitley out of the district where it has been located, and attach it to the district composed of the counties of Allen, Adams, Huntington and Wells."

Mr. Hendry moved to lay the motion to concur with an amendment on the table.

The ayes and noes being demanded by Senators Slack and Hendry,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Hill, John-

ston, Kinley, Lomax, McClure, March, O'Brien, Shoemaker, Stevens, Thompson and Wilson—24.

Those who voted in the negative were,

Messrs. Anthony, Blair, Brown, Cravens, Hamilton, Jennings, Line, Miller, Murray, Odell, Rice, Robinson, Slack, Steele, Studabaker, Tarkington, Wagner and Williams—18.

So the motion to concur with an amendment was laid upon the table.

Mr. Anthony moved to concur in the engrossed amendments of the House with an amendment "by making Floyd, Scott, Clark and Jefferson, a district; Switzerland, Ohio, Ripley and Dearborn, a district; Jackson, Jennings, Bartholomew, Lawrence and Washington, a district."

On motion by Mr. Cobb,
The motion to concur with an amendment was laid on the table.

Mr. Murray moved to concur with an amendment "to fix the salary of the judges at twelve hundred dollars."

On motion by Mr. Cobb.
The motion to concur with an amendment was laid on the table.

Mr. Tarkington moved to concur in the engrossed amendment of the House with an amendment "to add Green and Owen to the district composed of the counties of Monroe, Brown and Morgan; also, strike out Johnson and Shelby from the district composed of the counties of Monroe, Brown, Morgan, Johnson and Shelby."

Mr. Conley moved to lay the motion to concur with an amendment on the table.

The ayes and noes being demanded by Senators Tarkington and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Green, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Shoemaker, Stevens, Thompson and Wilson—28.

Those who voted in the negative were,

Messrs. Cravens, Gooding, Hamilton, Hargrove, Jennings, Line,

Odell, Rice, Slack, Steele, Studabaker, Tarkington, Wagner and Williams—14.

So the motion to concur with an amendment was laid on the table.

Mr. Gooding moved to concur in the engrossed amendments of the House with an amendment "to attach the county of Hancock to the district composed of Shelby and other counties."

Mr. Cobb moved to lay the motion to concur with an amendment on the table.

The ayes and noes being demanded by Senators Gooding and Conley,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, McLean, March, Murray, O'Brien, Rice, Robinson, Shoemaker, Stevens, Thompson, Wagner and Wilson—33.

Those who voted in the negative were,

Messrs. Anthony, Cravens, Gooding, Jennings, Line, Miller, Odell, Slack, Steele, Studabaker, Turner and Williams—12.

So the motion to concur, with the amendment, was laid on the table.

Mr. Gooding moved to concur in the engrossed amendments of the House with an amendment "to attach Shelby county to the district composed of Hancock and other counties."

Mr. Shoemaker moved to lay the motion to concur with an amendment on the table.

Which was agreed to.

Mr. Steele moved to concur in the engrossed amendments of the House with an amendment "to add Vermillion to the district composed of the counties of Parke, Vigo and Sullivan."

Mr. Cravens moved to amend the motion to concur with an amendment "by making Jefferson, Ohio and Switzerland counties a district; also, Dearborn, Franklin and Ripley counties a district."

Mr. Heffren moved to lay the motion to concur with an amendment, together with the amendment thereto, on the table.

Mr. Gooding called for a division of the question.

The question was put, shall the amendment to the amendment be laid on the table?

The ayes and noes being demanded by Senators Cravens and Conley,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Cobb, Conley, Fisk, Heffren, Hendry, Johnston, Kinley, Lomax, McClure, McLean, March, O'Brien, Shoemaker, Stevens, Thompson and Wilson—20.

Those who voted in the negative were,

Messrs. Anthony, Bobbs, Brown, Conner, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Hill, Jennings, Jones, Line, Miller, Murray, Odell, Rice, Robinson, Slack, Steele, Studabaker, Turner, Williams and Wagner—25.

So the amendment to the amendment was not laid on the table.

The question being, shall the motion to concur with an amendment be laid on the table?

The ayes and noes being demanded by Senators McLean and Heffren,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conley, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Johnston, Kinley, Lomax, McClure, McLean, March, Miller, O'Brien, Shoemaker, Stadabaker, Thompson and Wilson—23.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bobbs, Brown, Conner, Cravens, Craven, Culver, Hamilton, Hill, Jennings, Jones, Line, Murray, Odell, Rice, Robinson, Slack, Steele, Wagner and Williams—21.

So the motion to concur with an amendment was laid on the table.

Mr. Line moved to concur in the engrossed amendments of the House, with a further amendment "by striking out Wayne, where the counties of Wayne, Union, Fayette and Franklin compose one district, and insert Franklin, Union, Fayette and Rush as a district."

Mr. Conley moved to lay the motion to further amend on the table.

The ayes and noes being demanded by Senators Line and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Lomax, McClure, McLean, March, Murray, O'Brien, Rice, Robinson, Shoemaker, Stevens, Thompson, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Cravens, Gooding, Jennings, Line, Miller, Odell, Slack, Steele, Studabaker and Wagner—10.

So the motion to amend the motion to concur with an amendment was laid on the table.

Mr. Odell moved to concur in the engrossed amendments of the House with a further amendment "so as to make Tippecanoe, Clinton, Carroll and White counties compose a district."

Mr. Conley moved to lay the motion to amend the motion to concur with amendment on the table.
Which was agreed to.

Mr. Miller moved to concur in the engrossed amendments of the House with a further amendment "by making an additional district of the counties of Fulton, Cass, Pulaski and Miami, and by adding Elkhart to the district composed of Wabash and other counties."

On motion by Mr. Wilson,
The motion to concur with an amendment was laid on the table.

Mr. Gooding moved that the vote, by which the amendment of Senator Steele was laid on the table, be reconsidered.

Mr. Heffren moved to lay the motion to reconsider on the table.
Which was agreed to.

Mr. Studabaker moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the amendment to the engrossed amendments of the House, proposed by Mr. Cravens, be adopted?

The ayes and noes being demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Bobbs, Conner, Cravens, Gooding, Hamilton, Hill, Jennings, Jones, Murray, Odell, Rice, Robinson, Slack, Wagner and Williams—15.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Green, Hargrove, Heffren, Hendry, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Shoemaker, Steele, Stevens, Studabaker, Thompson and Wilson—30.

So the motion to concur, with an amendment, was not agreed to.

The question then recurred, will the Senate concur in the engrossed amendments of the House.

The ayes and noes being demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Shoemaker, Stevens, Thompson and Wilson—31.

Those who voted in the negative were,

Messrs. Anthony, Conner, Cravens, Gooding, Jennings, Jones, Miller, Odell, Rice, Slack, Steele, Studabaker, Wagner and Williams —14.

So the engrossed amendments of the House were concurred in.

Mr. Heffren moved to reconsider the vote by which the engrossed amendments of the House were concurred in.

On motion by Mr. Cobb,
The motion to reconsider was laid on the table.

On motion by Mr. Conner,

Senate bill No. 264. A bill supplemental to "an act for the in-

corporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and making the order of the board of commissioners under section nine of said act, final in certain cases,

Was taken from the files and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens and Studabaker —38.

Those who voted in the negative were,

Messrs. Carnahan, Williams and Wilson—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

ORDERS OF THE DAY.

Senate Bills on their Third Reading.

Senate bill No. 164. A bill to amend the eleventh section of an act entitled "an act establishing courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Gooding, Hamilton, Hargrove, Hendry, Hill, Jennings, Jones, Kinley, Line, March, O'Brien, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Conley, Conner, Craven, Culver,

Fisk, Green, Heffren, Johnston, Lomax, McClure, McLean, Murray, and Odell—15.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. March moved to amend the title by adding thereto the following: "and to give the court of common pleas jurisdiction of felonies in certain cases."
Which was agreed to.

On motion by Mr. Brown,

Senate bill No. 10. A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all laws conflicting with this bill,
Was taken from the files and referred to a select committee of three.

The President appointed Senators Fisk, Brown and O'Brien said select committee.

Leave being granted,
Mr. Wilson, from the committee on the State Library, made the following report:

Mr. President:

The committee on the State Library beg leave to submit the following report: That we have examined the library and found it in a very bad condition; at the expiration of the term of the late incumbent, S. D. Lyons, Esq., several setts of books were broken and large numbers of the books were out. The committee are forced to the conclusion that the library has been badly kept during Mr. Lyons' incumbency.
The committee have called upon Mr. Lyons for a settlement of his accounts as State Librarian; this he has wholly failed to make and your committee are unable to report as to how his accounts stand.
The committee have been informed that no bond was executed by Mr. Lyons, prior to taking charge of his office. This is to be regretted, as it precludes any legal remedy to enforce a settlement.
Which report was referred to the committee on finance.

Leave being granted,
Mr. Conley, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the report of John W. Dodd, Auditor of State, "touching the amount of moneys received and accounted for by Joseph A. Wright, late Governor, E. Newland, late Treasurer of State, and John P. Dunn, late Auditor of State, for swamp lands," have had the same under consideration, and have directed me to report it back and recommend that it lie on the table.

Which report was concurred in.

Leave being granted,

Mr. Gooding, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 248, "a bill to amend section 26 of an act entitled 'an act to provide for the opening, locating and changing of highways,' approved June 17, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in and the bill indefinitely postponed.

Leave being granted,

Mr. Carnahan, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the statement made by John P. Dunn, late Auditor of State, touching a charge or charges made against Governor Joseph A. Wright, Elijah Newland, late Treasurer of State, and John P. Dunn, have had the same under consideration, and have directed me to report it back to the Senate and recommend that it lie on the table.

Which report was concurred in.

Leave being granted,

Mr. Slack, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 156, "a bill to authorize appeals from the circuit courts to the supreme court in contested election cases," have had the same under consideration, and have directed me to report it back, without amendment, and recommend its passage.

Which report was concurred in.

Mr. Slack moved that the bill be read a third time now.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Bennett, Craven and Culver—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren, from the committee on finance, made the following report:

Mr. President:

The committee on finance, to whom was referred the report of the judiciary committee, touching "alledged swamp land deposits from Pulaski county in the Wabash Valley Bank, and as to what mode should be adopted for the recovery of the same," have had the same under consideration, and have directed me to report it back and recommend that it lie on the table.
Which report was concurred in.

The following messages from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof, enrolled bill of the House No. 221.

The President and Secretary signed the bill.

Mr. President:

I am directed by the House of Representatives to bring to the

Senate, for the signatures of the President and Secretary thereof, enrolled bill of the House No. 103.

The President and Secretary signed the bill.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled bill of the House No. 28.

The President and Secretary signed the bill.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled bill of the House No. 267.

The President and Secretary signed the bill.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 28. A bill providing for the use as evidence of depositions taken to perpetuate testimony, prior to the taking effect of the Revised States of 1852, and for the publication and recording of depositions heretofore taken or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence.

The House has also concurred in the engrossed amendments of the Senate to House bill No. 103. An act to amend the 49th section of an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof,' approved March 5, 1855, and to legalize the acts of certain officers therein named.

Also, that they have passed the following engrossed bill of the Senate, without amendment:

Senate bill No. 203. A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State and prescribing some of the duties of such officers.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House has concurred in the engrossed amendments of the Senate to House bill No. 267. A bill prescribing the time of holding and the length of the terms of the courts in the third judicial circuit.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendment, the following engrossed bill of the Senate:

Senate bill No. 101. A bill to authorize county treasurers to assess property which may be omitted by assessors and to legalize assessments heretofore made by treasurers.

On motion by Mr. Hamilton,
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Williams moved to reconsider the vote by which House bill No. 147 passed the Senate on this morning.
Which was agreed to.

On motion by Mr. Hamilton,
The bill was laid on the table.

Leave being granted,
Mr. Heffren, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred House bill No. 183, "a bill to authorize county auditors to collect moneys belonging to common school fund by suit or otherwise, and providing compensation for his service; also to provide punishment for a failure

to perform any duties required therein," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Bennett, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred House bill No. 171, "a bill declaring it to be a misdemeanor for the clerks of the circuit and common pleas courts to refuse to issue summons and other writs in certain cases and defining the penalty therefor," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Which report was concurred in.

Mr. Hendry, from the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 213, "a bill to amend sections 50, 65 and 66 of an act entitled 'an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected therewith, the management thereof and the heirs thereto, and certain powers to be used in such settlements,'" approved June 11, 1852, have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage with the following amendment:

Strike out all after the enacting clause and insert the following:

All final reports and reports of accounts current, made by administrators shall be filed with the clerk at least ten days before the first day of the term of the court, and shall be examined by the clerk, and if found correct, he shall certify therein that he has examined the account and found the same correct. Any account so certified may be received by the court without further examination, unless objections be made thereto, except that the court must decide upon all allowances to the administrator, or to any other person not admitted by the administrator.

Which report was concurred in.

The question being shall the amendments be adopted?

It was agreed to, and

The bill ordered to be engrossed and read a third time on to-morrow.

On motion by Mr. Anthony,
The following message from the House of Representatives was taken up.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 295. An act providing for the erection of a State penitentiary north of the Wabash river, and making appropriations therefor,
In which the concurrence of the Senate is respectfully requested.

Mr. Studabaker moved to suspend the rules, and that House bill No. 295, contained in the foregoing message, be read a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, McClure, McLean, March, Miller, Murray, Odell, Shoemaker, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson —36.

Those who voted in the negative were,

Messrs. Johnston, Line and Lomax—3.

So the rules were suspended and the bill was read a first time by its title.

The rules being suspended,
Mr. Studabaker moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

Mr. Wagner moved to strike out the 1st section of the bill and insert the following:

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be elected by a joint *viva voce* vote of

the General Assembly of the State of Indiana at its present session three directors, and in case of failure to elect, then to be appointed by the Governor, who are hereby constituted a board of control to superintend the letting and construction of a State prison in that part of the State lying north of the Wabash river; said directors shall hold their office for the term of two years, and until their successors are elected and qualified.

Also, amend the bill by striking out the words "Auditor and Secretary" where they occur therein, and insert "the board of control" in lieu thereof.

Mr. Hamilton moved to amend the bill by striking out "north of the Wabash river" and insert "north of the National road."

The question being, shall the amendment to the amendment be adopted?

The ayes and noes being demanded by Senators Heffren and McClure,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hendry, Hill, Jones, McLean, March, Murray, Rice, Robinson, Slack, Thompson, Turner and Wagner—27.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, Miller, O'Brien, Odell, Shoemaker, Studabaker and Wilson—16.

So the amendment to the amendment was adopted.

The question then recurred, shall the amendment to the amendment be adopted?

It was agreed to.

Mr. Heffren moved to amend by adding the following section:

SEC. —. That there be and is hereby appropriated out of any moneys in the treasury, and not otherwise appropriated, the sum of $20,000 for the purpose of extending the work shops of the present penitentiary, and the cell-houses of the same.

Mr. Hamilton moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Carnahan and Heffren,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hendry, Hill, Jones, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner and Williams—31.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Carnahan, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Shoemaker, Stevens and Wilson—13.

So the amendment was laid on the table.

Mr. Anthony moved to refer the bill to the committee on State Prison.

Which was agreed to.

On motion by Mr. Line,

The committee was instructed to insert in the proper place in the bill the following proviso:

Provided, That said commissioners shall be governed in the location of said State Prison, all other things being equal, where the largest private contributions for the location of the same shall be made.

Mr. Stevens moved to instruct the committee to recommend to the commissioners to examine St. Paul, Shelby county, as a suitable place for the location of the prison.

Mr. Gooding moved to lay the motion to instruct on the table.

Which was agreed to.

Mr. Anthony moved to instruct the committee to amend the bill "by adding a section making an appropriation of $10,000 to improve the work shops of the present prison."

The ayes and noes being demanded by Senators Heffren and McClure,

Those who voted in the affirmative were,

Messrs. Anthony, Carnahan, Conley, Gooding, Heffren, Jennings, Lomax, McClure, McLean, Rice, Robinson, Shoemaker, Stevens, Tarkington, Williams and Wilson—17.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Line, March, Miller, Murray, O'Brien, Odell, Slack, Steele, Studabaker, Thompson, Turner, Wagner and Weir—30.

So the instruction was not adopted.

The following messages were received from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

House bill No. 221. An act fixing the time for holding the circuit courts in the twelfth judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 156. An act authorizing appeals from circuit courts to the supreme court in contested election cases.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof enrolled bill of the House No. 156.

The President and Secretary signed the bill.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 143. A bill to regulate and restrain the sale, barter or giving away of spirituous and intoxicating liquors to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons under certain circumstances, and to punish any violations under the provisions of this act, and declarative of the duties

of district or city attorneys in relation thereto, and affixing the penalty for neglect or failure to discharge said duties,

Which did not pass on yesterday for want of a constitutional vote, was taken up.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Brown, Cobb, Conner, Craven, Culver, Gooding, Green, Hendry, Hill, Jennings, Jones, McLean, March, Miller, Murray, Rice, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner and Wilson—26.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Carnahan, Conley, Fisk, Hamilton, Hargrove, Heffren, Johnston, Line, Lomax, McClure, O'Brien, Odell, Robinson, Shoemaker, Weir and Williams—18.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Wagner, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was recommitted Senate bill No. 249, "a bill for the formation of new counties, and providing for the organization thereof," have made the amendments to said bill as instructed by the Senate, and recommend its passage.

Amend by inserting the following sections between the second and third sections of the bill:

SEC. —. When any new county is formed under the provisions of this act, it shall be the duty of the Governor to issue a writ of election directed to some person in such new county, whom he shall appoint to act as sheriff until the next general election, and until his successor is elected and qualified, requiring him to cause an election to be held at such place or places, in said county, as he may direct, on such day as he may designate in the writ of election, for the purpose of electing one clerk of the circuit court, one county auditor, one county recorder, one county treasurer, one sheriff, and three county commissioners.

SEC. —. The person to whom the writ of election is directed, shall have the power, and is required to appoint the necessary officers of such election, which officers of election shall be governed by

the laws now in force regulating elections, and shall make return to the acting sheriff on the Wednesday following, at such place in the county as he may have designated.

SEC. —. The person to whom the writ of election is directed in a new county, shall give at least ten days notice of the time and place or places where such election is to be held, and also of the place where the return is to be made to him by setting up written notices thereof in three of the most public places in each election district, which he may establish in such county, and on return of the election being made to him and the votes compared according to law, he shall give to each of the commissioners a certificate of his election and the time he is elected to serve, having due regard to the law, and shall also within ten days after said returns are so made to him, forward to the Secretary of State a certificate of the persons who are elected to the offices requiring a commission from the Governor.

SEC. —. The person so appointed as sheriff is authorized to administer such oaths as are required by the Constitution and laws of this State, certified copies of which he shall file in the office of the clerk of the circuit court whenever it shall be established.

SEC. —. All officers falling within the bounds of a new county shall continue to exercise the duties of their several offices until they are succeeded by others duly qualified to take their places.

SEC. —. No writ or action of any nature whatsoever commenced in any court of record or before any justice of the peace shall in any wise be affected by the laying off or organizing any new county, and all taxes that may be due the State or any county in the State at the time of organizing any new county, shall be collected in the same manner as if such new county had not been organized.

SEC. —. Said new county shall for purposes of representation in the State Legislature when formed out of a county now organized, remain in the district to which the county from which it was taken belonged, until a different apportionment is made by law, and for judicial purposes shall remain a part of the district to which the original county was attached.

SEC. —. Whenever a new county shall be formed out of contiguous territory of one or more counties, the same shall, for representation and judicial purposes, be attached to the county from which the smallest portion of territory was taken.

SEC. —. Every new county formed or attempted to be formed in this State under the provisions of the act entitled, "an act for the formation of new counties and the change of county boundaries," approved March 7, 1857, shall be and are hereby legalized after conforming to the provisions of this act, but not otherwise.

The question recurred shall the amendment be adopted?

It was agreed to, and

The bill was ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 165. A bill to amend sections 14 and 15 of an act defining felonies and prescribing punishment therefor,
Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner, Weir, Williams and Wilson—44.

Senator Green voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 180. A bill for a general system of registry of births and deaths throughout the State, prescribing the duties of certain officers and persons connected therewith, and affixing penalties, &c.,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Brown, McLean, March, Murray, Rice, Stevens, Wagner, Weir and Williams—11.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, Miller, Odell, Robinson, Shoemaker, Slack, Studabaker, Thompson, Turner and Wilson—31.

So the bill did not pass.

Senate bill No. 183. A bill in relation to the partition of real estate,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Stevens, Thompson, Turner, Weir and Wilson—38.

Those who voted in the negative were,

Messrs. Heffren, Shoemaker, Studabaker, Tarkington and Williams—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Green,
The title was amended by adding thereto, "and supplementary to "an act concerning the partition of lands,' approved May 20, 1852."

Senate bill No. 48. A bill to repeal "an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Green, Hendry, Hill, March, Murray, Rice, Robinson, Thompson and Turner—18.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Cobb, Conley, Fisk, Gooding, Hamilton, Hargrove, Heffren, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Steele, Weir, Williams and Wilson—24.

So the bill did not pass.

Senate bill No. 173. A bill to prevent the circulation of foreign bank bills or notes of a less denomination than five dollars,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Carnahan, Cobb, Conley, Fisk, Gooding, Green, Hargrove, Heffren, Jennings, Jones, Line, Lomax, McClure, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Williams and Wilson—24.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Craven, Culver, Hamilton, Hendry, Hill, Johnston, McLean, Murray, Rice, Stevens, Studabaker, Thompson, Turner and Weir—22.

So the bill did not pass for the want of a constitutional vote.

Senate bill No. 185. A bill to amend the sixth, twenty-second, thirty-second, seventy-eighth, seventy-ninth, ninety-sixth, one hundred and nineteenth, and one hundred and ninety-fourth sections, and to repeal section ninety-nine of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852, and to provide for the assessment and taxation of banks, brokers, stock-jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specifically provided for, and the assessment of personal property by county auditors and treasurers, and prescribing the duties of officers therein named,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Studabaker, Thompson, Turner, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Anthony, Cravens, Culver, Heffren and Weir—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 193. A bill to enable married women to make wills,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Studabaker, Thompson and Turner—31.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Culver, Heffren, Robinson, Weir, Williams and Wilson—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 186. A bill to amend the second section of "an act to provide for the relocation of county seats, and for the erection of public buildings in counties in cases of such relocation,"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Conley, Conner, Craven, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, McLean, March, Murray, Rice, Robinson, Studabaker, Thompson, Turner and Weir—26.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Carnahan, Cobb, Fisk, Hargrove, Line, Lomax, McClure, O'Brien, Odell, Shoemaker, Williams and Wilson —14.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 188. A bill to provide for oral argument and

speedy decisions of causes in the supreme court, and to repeal all laws inconsistent with this act,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—39.

Those who voted in the negative were,

Messrs. Green, Heffren, Jennings and McClure—4.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 190. A bill to authorize the formation of companies for the detection of horse thieves and other felons, and defining their powers,

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bobbs, Brown, Carnahan, Conley, Culver, Hamilton, Hargrove, Heffren, Hendry, Johnston, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Shoemaker, Slack, Studabaker and Williams—22.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Cobb, Cravens, Craven, Fisk, Gooding, Green, Hill, Jones, McLean, Rice, Robinson, Stevens, Tarkington, Thompson, Wagner and Wilson—20.

So the bill did not pass for the want of a constitutional vote.

Senate bill No. 185. A bill to amend the sixth, twenty-second, thirty-second, seventy-eighth, seventy-ninth, ninety-sixth, one hundred and nineteeth, and one hundred and ninety-fourth sections, and to repeal section ninety-nine of an act entitled "an act to provide for

the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852; and to provide for the assessment and taxation of banks, brokers, stock jobbers, insurance companies, trust companies, savings institutions, gas companies, and other joint stock companies whose taxation is not specifically provided for, and the assessment of personal property by county auditors and treasurers, and prescribing the duties of officers therein named,

Was read a third time.

Mr. Studabaker moved to recommit the bill to a select committee of three, with the following instructions, "amend the 10th section as follows, insert after the word 'county' the words 'and all other purposes.'"

Which was agreed to, and

The President appointed Senators Studabaker, Tarkington and Johnston said select committee.

Senate bill No. 238. A bill for the better protection of orchards, gardens and vineyards,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Green, Hamilton, Hendry, Hill, Jennings, Johnston, Jones, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Culver, Fisk, Hargrove, Heffren, Lomax, McClure and Shoemaker—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 199. A bill to authorize clerks of the circuit and common pleas courts of this State to make out certificates of the payment of all judgments which may hereafter be rendered in such courts, upon the foreclosure of any mortgage, when such judgments

shall have been fully paid, and deliver the same to the recorder of such county, and requiring such recorder to enter such certificate upon the records of his office,

Was read a third time

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—38.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Hargrove, Jones, Lomax and McClure —6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 202. A bill supplemental to article 9, regulating attachments, of chapter 1 of the Revised Statutes of 1852, of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—42.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 204. A bill to amend an act entitled "an act to provide for the election and prescribing certain duties of recorders," approved May 31, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Williams and Wilson—43.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 206. A bill to amend section 24 of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852,

Was read a third time.

Mr. Cobb moved to add the following proviso to the last section of the bill:

Provided however, That in case of the death of the father and mother said certificate shall be dispensed with and such married woman is hereby empowered to convey in the same manner as if she was twenty-one years of age.

Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Cobb, Conner, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Thompson, and Turner—29.

Those who voted in the negative, were

Messrs. Anthony, Beeson, Carnahan, Conley, Craven, Culver, Fisk, Johnston, Lomax, McClure, Wagner, Williams and Wilson—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 208. A bill to amend the 1st section of an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Fisk, Gooding, Green, Hendry, Hill, Johnston, Jones, Kinley, McClure, McLean, March, Murray, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Thompson and Wilson—31.

Those who voted in the negative were,

Messrs. Hargrove, Heffren, Jennings, Line, Lomax, Miller, Slack, Turner, Wagner and Williams—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 210. A bill to repeal an act to amend an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Thompson, Turner, Wagner, Williams and Wilson—38.

Those who voted in the negative were,

Messrs. Carnahan, Cobb and Slack—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Murray moved to amend the title so that it will read as follows, to-wit:

A bill to amend an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, approved February 15, 1857, and to revive section twenty-eight of the "act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Which was agreed to.

Leave being granted,

Mr. Cravens offered the following resolution:

Be it resolved by the Senate and House of Representatives, That in estimating the term allotted by the Constitution for a session of the General Assembly it is the opinion of this Legislature that Sundays should not be included and that the present session of the General Assembly should be in accordance therewith.

Mr. Heffren moved that the resolution be referred to the committee on the judiciary.

Which was agreed to.

Senate bill No. 215. A bill authorizing the voters of a township to vote a tax to finish unfinished railroads running through the township,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Brown, Cobb, Craven, Hendry, Hill, March, Slack, Steele and Stevens—11.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Carnahan, Conley, Conner, Fisk, Green, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, Miller, Murray, Rice, Robinson, Shoemaker, Studabaker, Tarkington, Thompson, Turner, Wagner, Williams and Wilson—30.

So the bill did not pass.

Senate bill No. 229. A bill to provide for the infliction of punishment where more than one conviction has been had against the same person at one term of any of the courts of this State for a violation of any of the criminal laws thereof,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Hargrove, Hill, Kinley, Line, McLean, Miller, Murray, O'Brien, Rice, Shoemaker, Steele, Stevens, Thompson and Turner—22.

Those who voted in the negative were,

Messrs. Beeson, Carnahan, Craven, Green, Hamilton, Heffren, Hendry, Jennings, Johnston, Jones, Lomax, McClure, March, Odell, Tarkington, Wagner, Williams and Wilson—18.

So the bill did not pass for want of a constitutional majority.

On motion by Mr. Jennings,
The Senate adjourned.

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7 O'CLOCK, P. M.

The Senate met.

Leave being granted,
Mr. Heffren offered the following resolution:

Resolved, That the House be requested to return Senate bill No. 186, in regard to the re-location of county seats, as the Senate passed the same under a misapprehension of its provisions.
Which was agreed to.

Leave being granted,
Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 250, "a bill authorizing married women over eighteen and under twenty-one years of age to unite with the husband in conveying or mortgaging real estate with the approval of a guardian, where the wife has neither father or mother residing in the State," have had the

same under consideration and have instructed me to report the same back to the Senate and recommend that it lie on the table, as a bill is already before the Senate embracing the same subject matter.

Which report was concurred in and the bill laid on the table.

On motion,

The following messages from the House was taken up:

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 325. An act to fix the times of holding the Cass court of common pleas. Also,

House bill No. 218. A bill to fix the time for holding the courts of common pleas, in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act. Also,

House bill No. 226. An act to amend section eight of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852. Also,

House bill No. 245. An act to authorize deeds and mortgages heretofore acknowledged before county auditors, to be recorded and authorizing the same, and also the record thereof to be read in evidence making such record notice to third persons, and making such conveyances valid. Also,

House bill No. 117. A bill to amend section 15, and to repeal sections 27 and 38, inclusive, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852, so as to give boards of county commissioners jurisdiction as to the change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees, under said sections so repealed, to the board of county commissioners, and providing for the disposition thereof. Also,

House bill No. 215. An act providing for working and locating highways upon county lines,

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 325, 218, 226, 245, 117 and 215,

Were each read a first time and passed to a second reading on tomorrow.

A message from the House by Mr. Ryan, its clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, with sundry engrossed amendments thereto, the following engrossed bill of the Senate:

Senate bill No. 28. A bill to provide for the safe-keeping of the bonds, mortgages, and other securities entrusted to the care of certain officers herein mentioned,

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Heffren,

The engrossed amendments of the House were concurred in by the Senate.

Mr. Johnston moved to suspend the rules and read House bill No. 215, a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Robinson, Slack, Studabaker, Thompson, Turner and Wilson—35.

No Senator voting in the negative.

So the rules were suspended, and

House bill No. 215. A bill providing for working and locating highways upon county lines,

Was read a second time.

On motion by Mr. Johnston,

The bill was referred to a select committee of three, and

The President appointed Senators Johnston, Williams and Brown, said select committee.

HOUSE BILLS ON THEIR THIRD READING.

House bill No. 57. A bill to amend the 74th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 17, 1852,

Was read a third time, and

On motion by Mr. Anthony,

Laid on the table.

House bill No. 58. A bill relative to the making requisitions for and the delivery up of fugitives from justice,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Brown, Conley, Craven, Green, Hendry, Line, March, Murray, Wagner, Weir and Williams—13.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Conner, Cravens, Fisk, Hamilton, Hargrove, Heffren, Hill, Jones, Kinley, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Slack, Studabaker, Thompson, Turner and Wilson—37.

So the bill did not pass.

House bill No. 70. A bill to make certain appropriations for the purpose of digging and constructing what is known as the Grand Calumet Canal or ditch in Lake county, Indiana, and defining the duty of the swamp land commissioner of Lake county in relation thereto,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Lomax, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Slack, Steele, Studabaker, Thompson, Turner, Wagner, Weir and Wilson—27.

Those who voted in the negative were,

Messrs. Shoemaker and Williams—2.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 69. A bill to repeal all general laws now in force providing for the incorporation of bridge companies, to authorize them to construct, in connection with bridges, causeways across low bottoms, collect toll, prescribe their powers and rights, and the man-

ner in which they shall exercise the same, and to regulate such other matters properly connected therewith,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Weir, Williams and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren moved to pass over the special order pending for this hour, to-wit: Senate bill No. 149, and continue to consider House bills on their third reading.

Which was agreed to.

House bill No. 85. A bill for the relief of Peter Shults of Green county, and releasing to him the interest which the State holds in certain lands,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Shoemaker, Slack, Studabaker, Thompson, Turner, Weir, Williams and Wilson—36.

Those who voted in the negative were,

Messrs. Beeson, Cravens, Craven, Fisk, Jones and Robinson—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 86. A bill for the relief of Jane Walker,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—39.

Those who voted in the negative were,

Messrs. Anthony, Beeson and Craven—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren moved to amend the title by adding: "And to release all the right, title and interest of the State in and to certain lands herein named."
Which was agreed to.

House bill No. 91. A bill to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas in certain cases therein named,
Was read a third time.

Mr. Cravens moved to add the following section to the bill:
SEC. 2. If any person shall file a claim before the justice of the peace, as stated in the preceding section, and shall on the trial in the circuit court or court of common pleas fail to establish his claim to an amount sufficient to entitle him to recover costs in such court, according to the provisions of law now in force, then in that event he may recover judgment for his claim, if proven, but he shall pay all costs that accrue in consequence of such transfer, but if he shall recover judgment to an amount sufficient to entitle him to recover costs, then in that event the attachment defendant shall pay all costs to each attachment plaintiff that shall recover judgment.
Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley,

Conner, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Slack, Tarkington, Thompson, Weir, Williams and Wilson—36.

Senators Anthony and Shoemaker voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Craven moved to amend the title by adding thereto: "And providing for the payment of costs to the same."
Which was agreed to.

House bill No. 101. A bill to regulate the practice in the civil cases in the courts of this State in taking exceptions to the overruling of demurrers,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Conner, Craven, Culver, Fisk, Gooding, Hendry, Hill, March, Murray and Slack—13.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Brown, Cobb, Conley, Green, Hamilton, Hargrove, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Studabaker, Tarkington, Thompson, Turner, Weir and Williams—27.

So the bill did not pass.

House bill No. 104. A bill to amend section seven of "an act to authorize the construction of levees and drains,"
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Rob-

inson, Shoemaker, Slack, Turner, Wagner, Weir, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Craven moved to amend the title so as to read as follows:
A bill to amend sections 1, 7 and 12 of "an act to authorize the construction of levees and drains," approved June 12, 1852, and supplemental thereto.
Which was agreed to.

House bill No. 108. A bill to prevent the gathering of cranberries from any of the public, State or non-resident lands of this State and providing penalties therefor.
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Cravens, Craven, Fisk, Hargrove, Hendry, Hill, Jones, Kinley, Line, March, Murray, O'Brien, Shoemaker, Slack, Tarkington, Turner, Wagner, Weir and Williams—26.

Those who voted in the negative were,

Messrs. Bennett, Conley, Conner, Culver, Gooding, Green, Hamilton, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Robinson, Thompson and Wilson—16.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 105. A bill to compel owners of town lots to grade and pave sidewalks, and fixing the penalty thereto.
Was read a third time.

Mr. Hamilton moved to add in the proper place, after the word "pave" the words "or plank."
Which was agreed to.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Con-

ner, Cravens, Craven, Green, Hamilton, Hendry, Hill, Jones, Line, McLean, March, Miller, Murray, Robinson, Shoemaker, Studabaker, Tarkington, Thompson, Turner, Weir and Williams—27.

Those who voted in the negative were,

Messrs. Cobb, Conley, Culver, Fisk, Gooding, Hargrove, Heffren, Jennings, Johnston, Kinley, Lomax, McClure, Slack and Wilson—14.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Hamilton moved to amend the title by adding therein after the word "pave" the words "or plank."
Which was agreed to.

House bill No. 82. A bill to regulate the practice in certain cases appealed to the supreme court.
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Cobb, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, Robinson, Slack, Studabaker, Tarkington, Thompson, Turner, Williams and Wilson—35.

Those who voted in the negative were,

Messrs. Carnahan, Wagner and Weir—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 122. A bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same as for money had and received, without making previous holders parties to the suit, and making such currency evidence of the indebtedness.
Was read a third time.

Mr. Weir moved to amend the 1st section of the bill by adding after the word "persons" the words, "company, corporation or association."

Also to amend the title by adding after the word "persons," the words, "company, corporation or association."

Which was unanimously agreed to.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, Robinson, Slack, Steele, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—39.

Senator Green voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 124. A bill to prohibit the throwing or depositing any carrion or dead animal into any running stream or lake of water in this State, and to prevent the depositing or burying any carrion or dead animal on the banks of the same, and prescribing the penalty for the violation thereof,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hendry, Hill, Jones, Line, McLean, March, Miller, Murray, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Weir and Williams—32.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Hargrove, Heffren, Johnston, Lomax, McClure and Wilson—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 130. A bill to compel supervisors of road districts to widen the limits of incorporated towns and to work the same under the directions of the town council.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Heffren, Hendry, Hill, Jennings, Line, Lomax, McLean, March, Miller, Murray, Robinson, Shoemaker, Slack, Turner and Wagner—28.

Those who voted in the negative were,

Messrs. Beeson, Gooding, Hamilton, Hargrove, Johnston, Jones, McClure, Tarkington, Thompson, Weir, Williams and Wilson—12.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 136. A bill for the protection of sidewalks in towns and villages and for the preservation of shade trees planted along the same.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Culver, Green, Hamilton, Heffren, Hendry, Hill, Jones, Line, McClure, McLean, March, Miller, Murray, Robinson, Shoemaker, Slack, Steele, Tarkington, Thompson, Turner, Weir, Williams and Wilson—32.

Those who voted in the negative were,

Messrs. Anthony, Carnahan, Conley, Fisk, Gooding, Hargrove, Jennings, Johnston, Lomax, Studabaker and Wagner—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 138. A bill declaratory of the meaning of the 1st section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May, 31, 1852, and to legalize all wills made by married women in pursuance of said act, since the taking effect thereof.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Brown, Cobb, Conley, Conner, Cravens, Culver, Fisk, Green, Hamilton, Heffren, Hendry, Hill, Johnston, Jones, Line, McLean, March, Murray, Robinson, Slack, Steele, Studabaker, Thompson and Turner—26.

Those who voted in the negative were,

Messrs. Bennett, Blair, Bobbs, Carnahan, Craven, Hargrove, Jennings, Lomax, McClure, Miller, Tarkington, Turner, Wagner, Weir and Wilson—15.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 142. An act to authorize the boards of commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property for losses sustained by taking, carrying away or destruction of such property by any officer under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855, and reimburse the officers named in said act, who, in good faith, have executed the provisions thereof, and been subject to loss thereby, and authorizing all allowance to officers who have paid costs in cases of habeas corpus under said act."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Conley, Conner, Cravens, Culver, Fisk, Green, Hendry, Hill, Line, McLean, March, Miller, Murray, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir and Williams—26.

Those who voted in the negative, were

Messrs. Beeson, Blair, Carnahan, Cobb, Gooding, Hargrove, Johnston, Jones, Lomax, McClure, Robinson and Williams—12.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren moved to amend the title of the bill so as to read as follows: "A bill to deplete county treasuries."

The ayes and noes being demanded by Senators Cobb and Heffren,

Those who voted in the affirmative were,

Messrs. Beeson, Carnahan, Cobb, Heffren, Lomax and Wilson—6.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hargrove, Hendry, Hill, Jones, Line, McLean, March, Murray, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Wagner and Williams—28.

So the amendment to the title was not adopted.

House bill No. 143. A bill to legalize the appraisement and assessment of property in the cities of this State, and the making out and delivery of tax duplicates in the cities of this State incorporated under the act of 1857,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Hamilton, Heffren, Hendry, Hill, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, Robinson, Shoemaker, Slack, Steele, Studabaker, Wagner, Williams and Wilson—33.

Senator Bennett voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from His Excellency, the Governor, by Mr. Osborne, Executive Messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 28. An act providing for the use as evidence of

depositions taken to perpetuate testimony, prior to the taking effect of the Revised States of 1852, and for the publication and recording of depositions heretofore taken or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence.

House bill No. 267. An act prescribing the time of holding and the length of the terms of the courts in the third judicial circuit.

House bill No. 103. An act to amend the 49th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855, and to legalize the acts of certain officers therein named.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 233. A bill to regulate the fees of officers, and repealing former acts in relation thereto,
Was read a third time, and
On motion by Mr. Shoemaker,
Was laid on the table.

Leave being granted,
Mr. Conner presented the petition of John Bechtol, asking an allowance for money expended by him in the arrest and conviction of one H. C. Barker, a thief;
Which,
On motion by Mr. Conner,
Was referred to the committee on claims.

On motion by Mr. March,

Senate bill No. 5. A bill to amend the first section of an act entitled "an act concerning interest on money," approved May 27th, 1852,
Wae taken from the table and placed on file.

On motion by Mr. Heffren,

Senate bill No. 33. A bill to tax dogs and to indemnify the owners of sheep killed or injured by dogs or wolves,
Was taken up and referred to a select committee of three.

The President appointed Senators Fisk, Line and Wagner said select committee.

On motion by Mr. Blair,
The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 222. An act to amend section 42 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and the disposal of the business thereof. Also,

House bill No. 223. An act to provide for the return of the jury in the common pleas court at the third day of the term. Also,

House bill No. 323. A bill to authorize married women over eighteen and under twenty-one years of age to unite with the husband in conveying or mortgaging his real estate, with the approval of a guardian, when the wife has neither father nor mother residing in the State. Also,

House bill No. 324. A bill to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford, in Ohio county.
In which the concurrence of the Senate is respectfully requested.

House bills No. 222, 223, 323 and 324, contained in the foregoing message,
Were each read a first time and passed to a second reading on to-morrow.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 282. An act concerning the sinking fund and its management, and prescribing the powers and duties of the sinking fund board and its officers. Also,

House bill No. 284. An act establishing fees for duties performed in the sinking fund office and in connection therewith. Also,

House bill No. 285. An act authorizing the redemption of lands mortgaged or that may be mortgaged to the sinking fund or other trust funds and the reinstating of mortgages in certain cases therein named, and to provide a remedy against bidders failing to comply with the terms of sale in cases of land sold by the sinking fund commissioners. Also,

House bill No. 306. An act for the relief of John M. Shirey.
In which the concurrence of the Senate is respectfully requested.

House bills Nos. 282, 284, 285 and 286, contained in the foregoing message,
Were each read a first time and passed to a second reading on tomorrow.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, with sundry engrossed amendments thereto, the following engrossed bill of the Senate:

Senate bill No. 142. A bill to amend the 6th, 8th, 9th and 14th sections of an act entitled "an act to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto," approved December 21, 1858, also defining the duties of appraisers and deputy appraisers and the Auditor of State. Also,

House bill No. 293. An act fixing the time and mode of electing State Printer, defining his duties, fixing compensation and repealing all laws coming in conflict with this act. Also,

House bill No. 94. A bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.
In which the concurrence of the Senate is respectfully requested.

House bills Nos. 142, 293 and 94.
Were each read a first time and passed to a second reading on tomorrow.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate without amendment:

Senate bill No. 172. A bill to fix the time of holding the circuit court in the first judicial circuit and repealing all laws in conflict therewith.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 254. A bill making the register of sales of Michigan road lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records of patents and certificates of purchase and other evidence in writing of the sales of real estate and certified copies of such record evidence, and declaring the effect thereof.

In which the concurrence of the Senate is respectfully requerted.

House bill No. 254, contained in the foregoing message,
Was read a first time and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 193. A bill relative to the salaries of public officers and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries.

In which the concurrence of the Senate is respectfully requested.

House bill No. 193, contained in the foregoing message,
Was read a first time and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 21. A bill providing for voluntary assignments of personal and real property, in trust for the benefit of creditors, and regulating the mode of administering the same,

In which the concurrence of the Senate is respectfully requested.

House bill No. 21, contained in the foregoing message,
Was read a first time, and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 89. An act to amend the third section of "an act to incorporate the town of Peru," approved February 14, 1848,
In which the concurrence of the Senate is respectfully requested.

House bill No. 89, contained in the foregoing message,
Was read a first time and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 141. A bill to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them. Also,

House bill No. 298. An act to provide for laying out and repairing highways upon the line between Indiana and adjoining States. Also,

House bill No. 299. An act to authorize donations to be made to the State, or any person or municipal corporation for building or enlarging benevolent institutions, or for the use and benefit of common schools,
In which the concurrence of the Senate is respectfully requested.

House bills Nos. 141, 298 and 299, contained in the foregoing message,
Were each read a first time, and passed to a second reading on to-morrow.

SENATE BILLS ON SECOND READING.

Senate bill No. 157. A bill to authorize the board of directors of

any incorporated company, to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates therefor,

Was read a second time.

On motion by Mr. Green,

The bill was referred to a select committee of five.

The President appointed Senators Green, Williams, Heffren, Craven and Lomax, said select committee.

Senate bill No. 268. A bill concerning the vending of foreign and domestic merchandise,

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 265. A bill to amend the 398th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,"

Was read a second time, and ordered to be engrossed and read a third time on to-morrow.

Senate bill No. 269. A bill assessing tax for common schools, and providing for the collection, distribution and expenditure thereof,

Was read a second time and ordered to be engrossed and read a third time on to-morrow.

On motion by Mr. Jones,

Senate bill No. 91. A bill to provide compensation to persons who may bring to justice fugitives from the same,

Was taken from the table, and ordered to be engrossed and read a third time on to-morrow.

On motion by Mr. Williams,

House bill No. 77. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith,

Was taken from the table, and passed to a third reading on to-morrow.

On motion by Mr. Williams,

The Senate adjourned.

THURSDAY MORNING. 9 o'clock, }
March 3, 1859. }

The Senate met.

The reading of the journal of yesterday, except that portion of it embracing the action of the Senate on the bill districting the State for common pleas purposes, was dispensed with.

Mr. Anthony, chairman of the committee on the State Prison, made the following report:

Mr. President:

The committee on State Prison, to which was referred Senate bill No. 217, "a bill to provide for the enlargement of the State Prison and prescribing the duties of officers in relation thereto, and punishfor violations thereof, and making appropriations for the enlargement ment thereof," have had the same under consideration, and direct me report the same back to the Senate for its further action.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Slack, chairman of a select committee, made the following report:

Mr. President:

The select committee, to which was referred Senate bill No. 273, "a bill fixing the times of holding courts in the tenth judicial circuit of the State of Indiana," have had the same under consideration, and requested me to report the same back with the following amendments, and when so amended, recommend its passage.

Amend the first section of the bill by inserting after the words "Noble on the Monday succeeding" the following: "The courts in the county of Dekalb, in the county of Allen on the Monday succeeding the courts in the county of Noble."

Sec. 2. The said courts, if the business require it, shall sit in the counties of Adams and Wells, one week each; Starke, Dekalb and Whitley, two weeks each; Kosciusko, Elkhart, Lagrange and Noble, three weeks each, and in Allen county said court shall sit as long as the business thereof may require at each term.

On motion by Mr. Murray,
The report and bill was laid on the table.

Mr. Conner, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 199, "a bill to create the fourteenth judicial c rcuit, and to fix the time of holding courts therein," have had the same under consideration, and directed me to report the same back, without amendment, and recommend its passage.

Mr. Slack moved to amend the bill "by striking out the counties of Dekalb, Noble, Lagrange, Steuben, Elkhart and Kosciusko, and insert the counties of Allen, Adams, Wells, Whitley and Huntington."

Mr Conner moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Slack and Conner,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Craven, Green, Hendry, Kinley, March, Murray, Rice, Steele, Stevens, Thompson, Turner and Weir—19.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Fisk, Hamilton, Hargrove, Heffren, Johnston, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Tarkington, Williams and Wilson—21.

So the amendment was not laid on the table.

On motion by Mr. Studabaker,
The bill, report and pending amendment were laid on the table.

A message from the Governor, by Mr. Osborne, Executive Messenger.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 51. An act for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people.

A message from the House, by Mr. Ryan, its Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to the following engrossed bill of the House:

House bill No. 59. An act to extend to borrowers of sinking fund, surplus revenue fund, college fund, saline fund, congressional school fund and other funds time of payment of loans, and prescribing the duties of the officers in regard thereto. Also,

House bill No. 5. A bill incorporating school townships, defining their powers, requiring the title to school lots to be vested in the corporate name of the township, town or city in which the same is situated, authorizing public school houses to be occupied by private schools, and also for other meetings, and to authorize the common council or aldermen of a city and the trustees of an incorporated town to levy all taxes for schools and for building and repair of school houses, and to repeal all laws inconsistent with this act. Also,

House bill No. 86. A bill for the relief of Jane Walker.

Leave being granted,
Mr. Stevens introduced

Senate bill No. 275. A bill supplemental to an act entitled "an act regulating descents and apportionment of estates."
Was read a first time.

Mr. Stevens moved to snspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conley, Conner, Cravens, Craven, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Johnston, Kinley, Line, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Williams and Wilson—38.

Senators Carnahan and Lomax voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Stevens moved that the bill be considered as engrossed and read a third time now.

Which was agreed to, and

The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cravens, Craven, Fisk, Green, Hamilton, Jennings, Kinley, McLean, March, Murray, Odell, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington and Weir—26.

Those who voted in the negative were,

Messrs. Beeson, Cobb, Heffren, Hendry, Johnston, Line, Lomax, McClure, O'Brien, Rice, Thompson, Williams and Wilson—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Tarkington introduced

Senate bill No. 276. A bill directing county auditors and treasurers to invest common school funds in Indiana State stocks.

Mr. Tarkington moved to suspend the rules and read the bill a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conley, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Weir, Williams and Wilson—42.

No Senator voting in the negative.

So the rules were suspended and the bill was read a first time by its title.

The rules being suspended,
Mr. Tarkington moved to read the bill a second now by its title.
Which was agreed to, and
The bill was read a second time, and
Referred to the committee on education.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred Senate bill No. 209, "an act to amend the first section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852, have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage with the following amendment:

Strike out all after the amending clause and insert the following:
That an amount of property not exceeding five hundred dollars owned by any resident house holder, shall not be liable to sale or execution to any other final process from a court for any debt growing out of or founded upon a contract expressed or implied, from and after the 4th of July, 1859.

Mr. Line moved to concur in the amendment proposed by the committee with an amendment, "to strike out 1st of July, 1859, and insert 1st day of January, 1860."
Which was not agreed to.

Mr. Heffren moved to lay the report of the committee and accompanying amendments on the table.

The ayes and noes being demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Cobb, Conley, Hargrove, Heffren, Hendry, Johnston, Line, Lomax, McClure, McLean, Miller, Odell, Robinson, Shoemaker, Studabaker and Wilson—13.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Brown, Carnahan, Conner, Cravens, Craven, Culver, Fisk, Greer, Hamilton, Hill, Jennings, Jones, Kinley,

March, Murray, O'Brien, Rice, Slack, Steele, Stevens, Thompson, Turner, Weir and Williams—26.

So the report and amendments were not laid on the table.

The question recurred, shall the amendments be adopted?
It was agreed to.

Mr. March moved to consider the bill as engrossed and read a third time now.

The ayes and noes being demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bobbs, Brown, Carnahan, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hendry, Hill, Jennings, Jones, Kinley, McLean, March, Murray, O'Brien, Rice, Slack, Steele, Stevens, Turner and Weir—27.

Those who voted in the negative were,

Messrs. Bennett, Blair, Cobb, Conley, Gooding, Hargrove, Heffren, Johnston, Line, Lomax, McClure, Miller, Odell, Robinson, Shoemaker, Studabaker, Thompson, Williams and Wilson—19.

So the bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bobbs, Brown, Conner, Cravens, Craven, Culver, Fisk, Green, Hamilton, Hendry, Hill, Jennings, Jones, Kinley, March, Murray, O'Brien, Rice, Slack, Steele, Stevens, Thompson, Turner and Weir—26.

Those who voted in the negative were,

Messrs Anthony, Bennett, Blair, Cobb, Conley, Gooding, Hargrove, Heffren, Johnston, Line, Lomax, McClure, McLean, Miller, Odell, Robinson, Shoemaker, Studabaker, Tarkington, Wagner, Williams and Wilson—22.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Slack, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred Senate bill No 176, "a bill to amend section 8 and 9 of an act entitled 'an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases,' approved June 9, 1852," have had the same under consideration, and directed me to report the same back, without amendment, for the action of the Senate.

Mr. Conley, moved to consider the bill as engrossed and read the same a third time now.
Which was agreed to, and

The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Cobb, Conley, Cravens, Craven, Fisk, Hamilton, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Line, McClure, March, O'Brien, Odell, Shoemaker, Williams and Wilson—24.

Those who voted in the negative were,

Messrs. Beeson, Brown, Carnahan, Conner, Gooding, Green, Heffren, Hendry, Lomax, McLean, Miller, Murray, Rice, Robinson, Slack, Stevens, Studabaker, Tarkington, Thompson and Wagner—20.

So the bill did not pass for the want of a constitutional vote.

Mr. Murray moved a new count.
Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Brown, Carnahan, Conley, Cravens, Craven, Culver, Fisk, Hamilton, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Line, McClure, March, Murray, Odell, Shoemaker, Steele, Stevens, Tarkington, Thompson, Turner, Williams and Wilson—29.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Cobb, Conner, Gooding, Green, Heffren, Hendry, Lomax, McLean, Miller, Rice, Robinson, Slack, Studabaker and Weir—18.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Conner, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred House bill No. 186, "a bill to amend section 103 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal cases in the courts of this State,' approved June 17, 1852," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postonpement.

Which report was concurred in and the bill indefinitely postponed.

Mr. Wilson, from the committee on claims, made the following report:

Mr. President:

The committee on claims, to whom was referred the claim of F. A. McDowell, for fourteen days services as Assistant Sergeant-at-Arms of the bank investigating committee, have had the same under consideration, and have directed me to report the same back and recommend that it lie on the table.

Which report was concurred in and the claim was laid upon the table.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

Mr. President:

The committee on enrolled bills, have compared the enrolled with the engrossed copies of the following Senate bills, and find the same to be correctly enrolled:

No. 101. A bill to authorize county treasurers to assess property which may be omitted by assessors and to legalize assessment heretofore made by treasurers. Also,

No. 103. A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 276, "a bill to amend section 5 of an act entitled 'an act to organize a supreme court, and prescribing certain duties of the judges thereof,' approved May 13, 1852," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill passed to a third reading on to-morrow.

Mr. Cravens, chairman of the committee on benevolent institutions, made the following report:

[Copy of report not furnished.—STATE PRINTER.]

On motion by Mr. Cravens,

That part of the report relating to appropriations was referred to the committee on finance.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the enrolled with the engrossed copies of the following bills and find the same correct:

Senate bill No. 28. A bill to provide for the safe-keeping of the public money, and of bonds and other securities entrusted to the care of certain officers herein named. Also,

Senate bill No. 172. A bill to fix the time of holding the circuit court in the first judicial circuit, and repealing all laws in conflict therewith.

Messages from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof enrolled bill of the House No. 70.

The President and Secretary signed the bill.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled bill of the House No. 85.

The President and Secretary signed the bill.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 85. An act for the relief of Peter Schultz of Greene county, and releasing to him the interest which the State holds in certain land. Also,

Senate bill No. 101. An act to authorize county treasurers to assess property which may be omitted by assessors and to legalize assessments heretofore made by treasurers. Also,

Senate bill No. 172. An act to fix the time of holding the circuit court in the first judicial circuit, and repealing all laws in conflict therewith.

REPORTS FROM SELECT COMMITTEES.

Mr. Turner, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 144, "a bill to authorize railroad companies to issue bonds, fix the interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchaser or purchasers; to provide for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities," have had the same under consideration and direct me to report the same back and recommend its passage.

Which was concurred in, and the bill was passed to a third reading on to-morrow.

Mr. Johnston, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 215, "a bill providing for working and locating highways upon county lines," have had the same under consideration and have directed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Johnston moved that the bill be read a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Slack, Stevens, Thompson, Turner, Williams and Wilson—39.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Fisk, from a select committee, made the following report:

MR. PRESIDENT:

The committee, to whom was referred Senate bill No. 10, "a bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to repeal all laws conflicting with this act," have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments, and when so amended they recommend its passage:

Amend section three, ninth line, by striking out all after the word "county," and insert the following:

"Where the population in the township, asking such license, does not exceed five hundred, the license shall be $20 for one year; and in every township where the population is one thousand, and not over two thousand, the license shall be $50 for one year; and in every township where the population is two thousand, and not over five thousand, the license shall be $100 for one year; and in every township where the population is five thousand and not over ten

thousand, the licensd shall be $150 for one year; and in every township where the population is ten thousand and not over fifteen thousand, the license shall be $300 for one year; and in all townships where the population exceeds fifteen thousand the license shall be $500 for one year.

Which report was concurred in, and the amendments adopted.

Mr. Williams moved to consider the bill as engrossed and read the same a third time now.

Which was agreed to and,

The bill read a third time.

Mr. Anthony moved to amend the bill by adding the following proviso to the proper section:

Provided, That in cities and incorporated towns, where a license is charged, it shall be deducted from the amount charged by any county or township.

Which was unanimously agreed to.

Mr. Beeson moved to recommit the bill, with the following instructions: "amend by striking out township, wherever it occurs, and insert county."

Mr. Studabaker moved to lay the motion to recommit on the table.

Which was agreed to.

Mr. Stevens moved to recommit the bill, with the following instructions: "amend so that in each township where the population amounts to four thousand, the license shall be five hundred dollars, without any action on the part of the county commissioners."

Mr. Conley moved to lay the motion to recommit on the table.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Brown, Carnahan, Cobb, Conley, Cravens, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Jones, Line, McLean, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Wagner, Williams and Wilson—32.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Conner, Hill, Kinley, Lomax, McClure, March, Slack and Stevens—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 245, "a bill to enforce the 13th article of the constitution, and to prevent negroes or mulattoes, or persons having one-eighth or more negro blood from coming into this State or settling therein, and prescribing penalties therefor," have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. March, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 108, "a bill to amend sections 4, 5, 18, 20, 21 and 22 of 'an act regulating general elections, and prescribing the duties of officers in relation thereto,' approved June 7, 1852, and repealing section 29 and 30 of said act, and adding provisions supplemental thereto," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage, with the following amendments:

Amend the 40th line of the 5th section by striking out the words "shall put" and insert instead the words "may in their discretion put any one or all of."

Amend the 80th line of same section by striking out "shall put" and inserting instead the words "may in their discretion put any one or all of."

Amend the 98th line of same section by striking out "shall put" and inserting instead the words "may in their discretion put any one or all of."

Amend the 113th line of same section by striking out "shall put" and inserting instead "may in their discretion put any one or all of."

In the 117th line of same section amend by striking out "shall put" and inserting instead thereof "may in their discretion."

Strike out of 6th section the following words: "Or from record evidence or the testimony adduced before them."

Strike out all of all section 6 after the word "voter."

Mr. Slack moved to indefinitely postpone the bill.

The ayes and noes being demanded by Senators Heffren and Slack,

Those who voted in the affirmative were,

Messrs. Carnahan, Conley, Hamilton, Hargrove, Heffren, Jen-
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nings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Tarkington and Williams—19.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Wilson—28.

So the bill was not indefinitely postponed.

The question recurred, shall the amendments proposed by the committee be adopted?

Which was agreed to.

Mr. Johnston moved to recommit the bill with institutions "to strike out all that requires a residence of twenty days in the township."

Mr. Anthony moved to lay the motion to recommit on the table.

The ayes and noes being demanded by Senators Johnston and Anthony,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Jones, Kinley, Line, March, Murray, Odell, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—28.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Lomax, McClure, McLean, Miller, O'Brien, Shoemaker, Slack, Studabaker, Williams and Wilson—18.

So the motion to recommit was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Culver, Green, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Thompson, Turner, Wagner and Weir—24.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—23.

So the bill did not pass.

Leave being granted,
Mr. Green, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred Senate bill No. 157, "a bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates thereon," have had the same under consideration, and direct me to report the same back and recommend that it be indefinitely postponed.

Which report was concurred in and the bill was indefinitely postponed.

Mr. Slack, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred House bill No. 233, "a bill to amend section three of an act entitled 'an act providing for the election and prescribing certain duties of county surveyors," have had the same under consideration, and have directed me to report the same back, without amendment, for the action of the Senate.

Which report was concurred in, and the bill passed to a third reading on to morrow.

Mr. Fisk moved to reconsider the vote on the passage of House bill No. 142, which passed the Senate on yesterday.

Mr. McLean moved to lay the motion to reconsider on the table.

Which was not agreed to.

The question recurred, shall the vote on the passage of the bill be reconsidered?

The ayes and noes being demanded by Senators Weir and McLean,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Carnahan, Cobb, Cravens, Fisk, Gooding,

Hamilton, Hargrove, Heffren, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Williams and Wilson—26.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Brown, Conner, Culver, Green, Hendry, McLean, Murray, Rice, Steele, Stevens, Thompson, Turner, Wagner and Weir—16.

So the motion to reconsider prevailed.

Pending the question, shall the bill pass?
On motion by Mr. Heffren,
The Senate adjourned.

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2 o'clock, p. m.

The Senate met.

The Senate resumed the consideration of House bill No. 142, "an act to authorize the boards of commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property for losses sustained by taking, carrying away or destruction of such property by any officer under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855, and reimburse the officers named in said act, who, in good faith, have executed the provisions thereof, and been subject to loss thereby, and authorizing an allowance to officers who have paid costs in cases of habeas corpus under said act," pending at adjournment.

Mr. Heffren moved to recommit the bill with the following instructions:

Add to section 1st the following proviso: *Provided further*, That the provisions of this act shall in no case be extended to any officer

or officers against whom judgment has been rendered, and which judgment has been satisfied by the plaintiff or his assignee, nor to any other person who shall not have commenced a suit for damages occasioned by the wrongful act of any officer or officers as mentioned in this section.

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Conley, Conner, Cravens, Craven, Culver, Green, Hendry, Hill, Jones, Kinley, McLean, March, Murray, Rice, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner and Weir—28.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Carnahan, Cobb, Gooding, Hamilton, Hargrove, Heffren, Johnston, Line, Lomax, McClure, O'Brien, Odell, Shoemaker, Williams and Wilson—17.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Wagner, from the committee on State prison, to whom was referred House bill No. 295, "a bill providing for the erection of a State Penitentiary north of the Wabash river, and making appropriations therefor," have had the same under consideration and have amended the bill in accordance with the instructions of the Senate on yesterday.

Which report was concurred in.

Mr. Anthony moved to amend the bill by inserting in the 43d line of section 4, after the word "convicts," the words not otherwise disposed of," and in the 7th line of the 9th section, after the word "prison," the words "under the laws now in force," and in the 5th line of the tenth section, after the word "act," the words, "with the powers of directors as is now provided by law."

Which was not agreed to.

Mr. Murray moved to amend "by striking out all providing for election and inserting that Henry Secrest of Putnam county, John P. Dunn of Marion, and David P. Holloway of Wayne county, be appointed commissioners.

Mr. Hamilton moved to lay the amendment on the table.

Which was agreed to.

Mr. Studabaker moved to strike out the name of George W. Carr and insert F. P. Randall of Allen county.

Which was not agreed to.

Mr. Heffren moved to strike out George W. Carr of Jackson county and insert John J. Morrison of Washington county.

Mr. Studabaker moved to lay the amendment to the amendment on the table.

Mr. Bennett called for a division of the question.

The question being, shall the amendment be laid on the table.

The ayes and noes being demanded by Senators Heffren and Studabaker,

Those who voted in the affirmative were,

Messrs. Anthony, Brown, Cravens, Craven, Culver, Green, Hamilton, Hendry, McLean, Miller, O'Brien, Odell, Slack, Steele, Studabaker, Turner, Wagner, Weir, and Williams—19.

Those who voted in the negative were,

Messrs. Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Fisk, Gooding, Hargrove, Heffren, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, Rice, Robinson, Stevens, Tarkington, Thompson and Wilson—27.

So the amendment was not laid on the table.

The question being shall the amendment to the amendment be laid on the table?

The ayes and noes were demanded by Senator Heffren and Studabaker.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Craven, Gooding, Green, Hendry, Hill, Johnston, Jones, Kinley, March, Murray, Rice, Stevens, Thompson and Turner—24.

Those who voted in the negative were,

Messrs. Carnahan, Culver, Fisk, Hamilton, Hargrove, Heffren,

Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Slack, Studabaker, Tarkington, Wagner, Weir, Williams and Wilson—20.

So the amendment to the amendment was laid on the table.

Mr. Wagner moved to amend the amendment by striking out the names therein and inserting W. G. Wharton, of Jefferson county, James Blake, of Marion county, and Joseph Orr, of Laporte county.

Mr. Murray moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Wagner and Weir,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Carnahan, Cobb, Conley, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Rice, Steele, Thompson, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Anthony, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Hamilton, Miller, Odell, Robinson, Slack, Stevens, Studabaker, Turner, Wagner and Weir—19.

So the amendment to the amendment was laid on the table.

Mr. Weir moved to amend the amendment by striking out the names therein and inserting E. W. H. Ellis, John P. Dunn and Joseph Orr.

Mr. Gooding moved to lay the amendment to the amendment on the table.

Which was agreed to.

The question recurred, shall the amendment proposed by the Senator from Howard be adopted?

The ayes and noes being demanded by Senators Hamilton and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Gooding, Hendry, Hill, Johnston, Jones, Kinley, Line, March, Murray, Rice, Steele, Turner and Wilson—20.

Those who voted in the negative were,

Messrs. Anthony, Brown, Conner, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Jennings, Lomax, McClure, McLean, Miller, O Brien, Odell, Robnson, Slack, Stevens, Studabaker, Tarkington, Thompson, Wagner, Weir and Williams—25.

So the amendment was not adopted.

Mr. Anthony moved to fill the blank in the sixth line of secton 3 with the words "not exceeding one hundred."
Which was agreed to.

Mr. Anthony moved to fill the blank in the seventh line of the 3d section by inserting the word "thirty," as it regards the price per acre for the land.

Mr. Conner moved to amend the amendment by inserting in the same section: "Nothing in this act shall be so construed as to prevent a larger sum from being paid per acre for land containing a valuable stone quarry."

On motion by Mr. Weir,
The amendment and the amendment to the amendment were laid on the table.

Mr. Murray moved to fill the blank in the seventh line of the 3d section with the word "one hundred."

Mr. Gooding moved to amend the amendment by inserting "sixty."

Mr. Weir moved to lay the amendment and the amendment to the amendment on the table.

Mr. Heffren called for a division of the question.

The question being, shall the amendment be laid on the table?
It was not agreed to.

The question being, shall the amendment to the amendment be laid on the table?
It was agreed to.

The question recurred, shall the amendment be adopted?
It was agreed to.

Mr. Wagner moved to add the following section to the bill:
Sec. —. All laws and regulations in force in reference to the government of the convicts, officers and other matters in the present

State Prison be continued in force, in reference to the management and control of this prison, as far as the same can be made applicable.

Which was agreed to.

Mr. Wagner moved to consider the amendments to the bill as engrossed and to read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

Mr. Murray moved to amend the bill by adding the following section:

SEC. —. The necessary expenses of said prison, and the control and management thereof, shall be paid out of the State Treasury, under such regulations and restrictions as may be adopted by the board of control, and as far as practicable in conformity with the practice and usages of the present State Prison.

Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bobbs, Brown, Conner, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hendry, Jennings, Kinley, March, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Studabaker, Thompson, Turner, Wagner, Weir and Williams—26.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Blair, Carnahan, Cobb, Conley, Cravens, Hargrove, Heffren, Hill, Johnston, Jones, Line, Lomax, McClure, McLean, Robinson, Shoemaker, Stevens, Tarkington and Wilson—22.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Wagner moved to amend the title of the bill so as to read as follows:

"A bill to provide for the erection of a new prison north of the National road, the election of officers therefor, making appropriations and regulations therefor.

Which was agreed to.

On motion by Mr. McLean,

The following message from the House was taken up:

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 340. A bill prescribing the time of holding the circuit court in the county of Sullivan, and to repeal all laws in conflict with this act.

In which the concurrence of the Senate is respectfully requested.

House bill No. 340, contained in the foregoing message,
Was read a first time.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Slack, Stevens, Studabaker, Thompson, Turner, Weir, Williams and Wilson—41.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second time now by its title.

The rules being suspended,
Mr. McLean moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Odell, Robinson, Shoemaker, Slack, Stevens, Thompson, Turner, Weir, Williams and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Heffren,
The following House message was taken up:

A message from the House by Mr. Ryan, its clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz:

House bill No. 344. A bill to fix the time of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.
In which the concurrence of the Senate is respectfully requested.

Mr. Johnston moved that the rules be suspended and House bill No. 344, contained in the foregoing message, be read a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Fisk, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Slack, Stevens, Studabaker, Thompson, Turner, Weir and Wilson—40.

No Senator voting in the negative.

So the rules were suspended and the bill was read a first time by its title.

The rules being suspended,
Mr. Heffren moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

Mr. Weir moved to refer the bill to a select committee of one from each congressional district.
Which was agreed to, and
The President appointed Senators Weir, Hargrove, Anthony, Cobb, Stevens, Bennett, Blair, McLean, Rice, Hendry and Murray, said select committee.

On motion by Mr. Rice,
The following message from the House by Mr. Ryan, its clerk was taken up:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 337. A bill providing for the allowance of compensation to clerks of the circuit and common pleas courts, and sheriffs, for extra services, and to repeal all laws inconsistent therewith.
In which the concurrence of the Senate is respectfully requested.

House bills No. 237, contained in the foregoing message,
Was read a first time.

Mr. Rice moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Heffren, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Stevens, Thompson, Turner, Weir, Williams and Wilson—35.

Senator Hargrove voting in the negative.

So the rules were suspended and the bill was read a second time by its title.

On motion by Mr. Rice,
The bill was referred to the committee on the judiciary.

On motion by Mr. Johnston,

Senate bill No. 252. A bill to provide for the maintenance of plank roads, where they have been sold pursuant to the judgment of any court and to define the rights of the purchasers of such roads,
Was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Craven, Culver, Green, Hamilton, Hargrove,

Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Studabaker, Tarkington, Thompson, Turner, Weir, Williams and Wilson—39.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Bobbs offered the following resolution:

Resolved, That one thousand copies of the report of the committee on benevolent institutions be published, and that seven hundred of them be forwarded in a *pro rata* number to the respective members of the General Assembly, and one hundred copies be distributed to each of the respective institutions.
Which was adopted.

On motion by Mr Murray,

House bill No. 325. A bill fixing the time for holding the Cass court of common pleas,
Was taken up and read a second time, and passed to a third reading on to-morrow.

On motion by Mr. Gooding,

Resolved, That when the Senate adjourn it will adjourn to sit again at 7 o'clock, P. M.

On motion by Mr. Craven,
The following message from the House was taken up:

A message from the House, by Mr. Ryan its clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 341. A bill making specific appropriations for the year A. D., 1859.
In which the concurrence of the Senate is respectfully requested.

Mr. Heffren moved to suspend the rules and read House bill No. 341, contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Rice, Robinson, Stevens, Studabaker, Thompson, Wagner, Weir and Wilson—38.

Those who voted in the negative were,

Messrs. Conley, Johnston, Shoemaker and Williams—4.

So the rules were suspended and the bill was read a first time by its title.

The rules being suspended,
Mr. Heffren moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

On motion by Mr. Heffren,
The bill was referred to the committee on finance.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 338. A bill making general appropriations for the years 1859 and 1860, and the first quarter of the year 1861.
In which the concurrence of the Senate is respectfully requested.

Mr. Heffren moved to suspend the rules and read House bill No. 338, contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Rice, Robinson, Stevens, Studabaker, Thompson, Wagner, Weir and Wilson—38.

Those who voted in the negative were,

Messrs. Conley, Johnston, Shoemaker and Williams—4

So the rules were suspended and the bill read a first time by its title.

The rules being suspended,
Mr. Heffren moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

On motion by Mr. Heffren,
The bill was referred to the committee on finance.

The following messages were received from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signature of the President and Secretary thereof, the following enrolled bill of the House, No. 5.

The President and Secretary signed the bill.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled House bill No. 59.

The President and Secretary signed the bill.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled bill of the House No. 69.

The President and Secretary signed the bill.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled bill of the House No. 86.

The President and Secretary signed the bill.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof, enrolled bills of the House Nos. 124, 130, 136, 138, 143 and 215.

The President and Secretary signed the bills.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 59. An act to extend to borrowers of sinking fund, surplus revenue fund, saline fund, Congressional school fund, and other funds, time of payment of loans, and prescribing the duties of officers in regard thereto. Also,

House bill No. 69. An act to repeal all general laws now in force providing for the incorporation of bridge companies, to authorize them to construct in connection with bridges, causeways across low bottoms, collect toll, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters properly connected therewith. Also,

House bill No. 5. An act incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township, town or city in which the same is situated, authorizing public school houses to be occupied for private schools and also for other meetings, and to authorize the common council or aldermen of a city and the trustees of an incorporated town, to levy all taxes for schools and the building and repair of school houses, and to repeal all laws inconsistent with this act. Also,

House bill No. 86. An act for the relief of Jane Walker.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 233. A bill to regulate the fees of officers and repealing former acts in relation thereto.

Which was read a third time on yesterday, was taken up.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Brown, Cobb, Conley, Cravens,

Craven, Green, Hamilton, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Thompson, Williams and Wilson—32.

Those who voted in the negative were,

Messrs. Bennett, Carnahan, Culver, Fisk, Hargrove, Lomax, McClure, Odell, Stevens and Weir—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 241. A bill extending to the sinking fund board as re-organized, the powers exercised by the old board, and applying to the new board the laws that governed the old as far as applicable to the same.

Was read a third time, and

On motion,

Laid on the table.

Senate bill No. 236. A bill to provide for the equal distribution of property assigned for the benefit of creditors,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Stevens, Studabaker, Thompson and Weir—35.

Those who voted in the negative were,

Messrs. Hargrove, Johnston, Lomax, Shoemaker, Wagner, Williams and Wilson—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 222. A bill to prescribe the mode of taxing the Bank of the State of Indiana, to repeal the 15th section of its charter, and to prohibit said bank from issuing on its deposits.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Carnahan, Cobb, Conley, Craven, Culver, Fisk, Gooding, Hargrove, Heffren, Hendry, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Robinson, Shoemaker, Studabaker, Thompson, Weir, Williams and Wilson —31.

Those who voted in the negative were,

Messrs. Beeson, Conner, Cravens, Green, Hamilton, Hill, Johnston, Murray, Rice, Steele, Stevens, Tarkington and Wagner—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Bobbs moved to amend the title so as to read as follows:

A bill to prescribe the mode of assessing and taxing the Bank of the State of Indiana and its branches, and to repeal the 15th section of the act organizing said bank, being inconsistent herewith.

Which was agreed to.

Senate bill No. 239. A bill to amend section 35 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Carnahan, Cobb, Conley, Conner, Cravens, Fisk, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Thompson, Weir, Williams and Wilson—36.

Senator Heffren voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 253. A bill to amend the third section of an act entitled "an act to prevent the destruction of or injury of animals, and the destruction of human life by railroads, and to provide compensation for the same," approved May 11, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Gooding, Hamilton, Hargrove, Heffren, Hill, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Rice, Robinson, Thompson, Weir and Wilson—31.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Green, Murray, Steele and Tarkington —5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 243. A bill to amend section 23 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Fisk, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Steele, Tarkington, Thompson, Turner, Weir, Williams and Wilson—39.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 244. A bill to amend the 8th section of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Fisk, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Steele, Studabaker, Thompson, Turner, Wagner, Weir, Williams and Wilson—37.

Senators Anthony and Cravens voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 247. A bill fixing the compensation of Governor of the State and members of the General Assembly.
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Brown, Green, Hendry, Jennings, Jones, Murray, O'Brien, Rice, Turner, Wagner and Williams—11.

Those who voted in the negative, were

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conley, Conner, Fisk, Gooding, Hargrove, Heffren, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, Odell, Robinson, Studabaker, Thompson, Weir and Williams—26.

So the bill did not pass.

Senate bill No. 249. A bill for the formation of new counties, and providing for the organization thereof,
Was read a third time.
Pending the question, shall the bill pass?

On motion by Mr. Cobb,
The Senate adjourned.

7 o'clock, p. m.

The Senate met.

HOUSE BILLS ON THEIR SECOND READING.

House bill No. 21. A bill providing for voluntary assignment of personal and real property in trust for the benefit of creditors and regulating the mode of administering the same,

Was read a second time, and passed to a third reading on to-morrow.

Leave being granted,

Mr. Weir, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred House bill No. 344, "a bill to fix the time of holding the common pleas court in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas court, returnable to such term, and declaring when this shall take effect, and repealing all laws inconsistent therewith," have had the same under consideration and have directed me to report the same back with the following amendments, and when so amended they recommend its passage:

Amend section three by giving Orange county two weeks, if the business require it.

Amend section four by striking out all that part of said section which fixes the times of holding courts in the counties of Scott, Clark and Washington, and insert the following: "in the county of Washington on the first Mondays of January, May and September: in the county of Clark, on the third Mondays of January, May and September; in the county of Scott, on the first Mondays of February, June and October.

Amend section seventeen, so as to read "in the county of Elkhart, on the first Mondays of January, May and September; in the county of St. Joseph, on the Mondays succeeding the courts in the county of Elkhart; in the county of Marshall, on the Monday succeeding the courts in the county of St. Joseph; in the county of Laporte, on the Monday succeeding the courts in the county of Marshall, and the terms of said courts in Elkhart and St. Joseph, shall be two weeks each, and in the county of Marshall one week, and in the county of Laporte three weeks, if the business shall require it.

Which report was concurred in, and the amendments adopted.

Senate bill No. 141. A bill to authorize the formation of limited

partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them.

Was read a second time, and passed to a third reading on to-morrow.

Senate bill No. 94. A bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

Senate bill No. 89. A bill to amend the third section of "an act to incorporate the town of Peru," approved February 14, 1848,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 193. A bill relative to the salaries of public officers, and providing the manner of paying same, and the manner of reimbursing the State for an increase of salaries,

Was read a second time.

Mr. Johnston moved to amend the bill by striking out the word "three" where it occurs in the first, second and fifth specifications of the first section, and insert the word "two." Also, by striking out five hundred, in the third specification of section first.

Mr. Weir moved to amend the amendment by striking out "$2,500" and inserting "$3,000," as the salary of the Auditor of State.

On motion by Mr. Conner,

The bill and pending amendments was referred to a select committee of five; and

The President appointed Senators Weir, Heffren, Johnston, Line and Hamilton said select committee.

Mr. Conley moved to instruct the committee to amend the bill "so as to make the salary of the Superintendent of Public Instruction eight hundred dollars, and of the President of the Sinking Fund fifteen hundred dollars."

Which instructions were referred to the committee without action.

Leave being granted,

Mr. Gooding introduced

Senate bill No. 277. A bill to fix the terms of the Hancock circuit court after the next term thereof, and to authorize the court at

each term thereof to continue in session two weeks, if the business requires it,

Was read a first time.

Mr. Gooding moved to suspend the rules, and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Stevens, Studabaker, Turner, Wagner, Weir, Williams and Wilson—40.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a second time now by its title.

The rule being suspended,

Mr. Slack moved to consider the bill as engrossed, and read a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—42.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Tarkington,

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House as passed the following engrossed bill of the Senate, viz:

Senate bill No. 142. A bill to amend the 6th, 8th, 9th and 14th sections of an act entitled "an act to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto," approved December 21, 1858, and defining the duties of appraisers and deputy appraisers, and the Auditor of State, with engrossed amendments of the House thereto.

On motion by Mr. Beeson,
The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 328. A bill to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property. county treasurers and auditors, and of the Treasurer and Auditor of State." Also,

House bill No. 339. A bill to provide for the sale of the certificates of stock in the State debt sinking fund, and the appropriation of the proceeds thereof to the payment of the interest on the State debt, and of the current expenses of the State.
In which the concurrence of the Senate is respectfully requested.

House bills Nos. 328 and 339, contained in the foregoing report,
Were each read a first time.

Mr. Beeson moved to suspend the rules, and read House bill No. 328, contained in the foregoing message, a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carna-

han, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Shoemaker, Slack, Stevens, Tarkington, Thompson, Turner, Weir, Williams and Wilson—40.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Cobb moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Robinson, Shoemaker, Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Murray moved to suspend the rules and read House bill No. 339, contained in the foregoing message, a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Robinson, Shoemaker, Slack, Stevens, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—41.

No Senator voting in the negative.

So the rules were suspended.

Mr. Heffren moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Cobb, Conley, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Hill, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—33.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Carnahan, Jennings, McClure and Studabaker—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Cobb, from the committee on corporations, made the following report:

Mr. President:

The committee on corporations, to whom was referred House bill No. 72, "a bill to amend sections one and two of 'an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in the State,' approved March 1, 1853, and to provide for the manner of service of process," have had the same under consideration, and have directed me to report the same back and recommend its passage.
Which report was concurred in.

Mr. Cobb moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Culver, Gooding, Green, Hamilton, Hendry, Hill, Johnston, Jones, Kinley, Line, McClure, McLean, March, O'Brien, Robinson, Steele, Studabaker, Turner, Wagner, Weir, Williams and Wilson—30.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Heffren, Lomax, Murray and Tarkington—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Weir,

Senate bill No. 274. A bill to declare valid all acts done by notary publics in taking acknowledgments of deeds and other instruments in writing, and doing other official acts after being elected to another office,

Was read a second time and ordered to be engrossed and read a third time on to-morrow.

On motion by Mr. Heffren,

House bill No. 344. A bill to fix the time of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—39.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Line,

Leave of absence was granted to Mr. Fisk on account of sickness.

On motion by Mr. Culver,

House bill No. 169. A bill for the relief of the heirs at law of

John Coran, deceased, and to vest in them certain real estate which has escheated to the State of Indiana,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Robinson, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—39.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed following engrossed bills of the Senate, without amendment:

Senate bill No. 104. A bill to amend the first section of an act entitled "an act in relation to plank, McAdamized, tram and gravel road companies," approved March 1, 1855, and supplemental thereto, so as to enable corporations and companies to take possession of unfinished portions of said road and complete the same, where the original corporation has failed to complete it; to prevent any company or corporation, when about to abandon any such road, from removing any material used in its construction, providing for enjoining the removal of the same, and to provide for the working of such abandoned road.

Senate bill No. 174. A bill fixing the time of holding the court of common pleas in the county of Hendricks, and the length of terms thereof, and repealing all laws in conflict therewith.

On motion by Mr. Bobbs,

Senate bill No. 257. A bill for the relief of the lessees from the State of the water power and other privileges on the northern division of the Central Canal, authorizing suits upon the bond of Francis A. Conwell and others, for their benefit, and to subject the property

conveyed to said Conwell by the State to the payment of the damages sustained by said lessees, their heirs, executors, administrators and assigns, by the breach of the conditions of said bond,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Brown, Cravens, Culver, Green, Hamilton, Hendry, Hill, Johnston, Jones, Kinley, Line, McLean, March, Murray, Thompson, Turner and Williams—19.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Conley, Gooding, Lomax, McClure, Miller, Robinson, Shoemaker, Steele, Stevens, Studabaker, Weir and Wilson—17.

So the bill did not pass.

On motion by Mr. Hill,

Senate bill No. 61. A bill to amend the third section of an act entitled "an act to provide for the enlargement and discipline of the State Prison, and to repeal an act entitled 'an act to provide for the government and discipline of the State Prison,' approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857,

Was taken from the table, and placed on the files.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No 215. An act to provide for locating and working highways situated upon county lines.

House bill No. 124. An act to prohibit the throwing or depositing any carrion or dead animal into any running stream or lake of water in this State, and to prevent the depositing or burying any carrion or dead animal on the banks of the same, and prescribing the penalty for the violation thereof.

House bill No. 136. An act for the protection of the sidewalks in towns and villages, and for the preservation of shade trees planted along the same.

House bill No. 130. An act to compel supervisors of road districts to widen the limits of incorporated towns and to work the same under the directions of the town council.

House bill No. 108. An act to prevent the gathering of cranberries from any of the public, State or non-resident lands of this State and providing penalties therefor.

House bill No. 143. An act to leaglize the appraisement and assessment of property in the cities of this State, and the making out and delivery of tax duplicates in the cities of this State incorporated under the act of 1857.

House bill No. 142. "An act to authorize the boards of commissioners of the several counties of this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property for losses sustained by taking, carrying away or destruction of such property by any officer under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855, and reimburse the officers named in said act, who, in good faith, have executed the provisions thereof, and been subject to loss thereby, and authorizing an allowance to officers who have paid costs in cases of habeas corpus under said act.

A message from the House, by Mr. Ryan, its clerk,

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled bills of the House Nos. 108, 142.

The President and Secretary signed the bills.

SENATE BILLS ON THEIR THIRD READING.

Senate bill No. 33. A bill to tax dogs, and indemnify the owners of sheep killed or injured by dogs or wolves,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Brown, Conley, Cravens, Hamilton, Hendry, Jones, Kinley, Line, Robinson, Wagner, Weir, Williams and Wilson —14.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Carnahan, Cobb, Conner, Craven, Gooding, Green, Hargrove, Heffren, Hill, Jennings, Johnston, Lomax, McClure, March, Stevens, Studabaker and Turner—21.

So the bill did not pass.

Senate bill No. 213. A bill to amend sections 50, 65 and 66, of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, O'Brien, Robinson, Stevens, Turner, Wagner, Weir and Williams —27.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Gooding, Jennings, Miller, Studabaker, and Wilson—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Blair moved to amend the title by striking out the words, "a bill to amend sections 50, 65 and 66 of an act entitled," and insert "a bill supplemental to."
Which was agreed to.

Senate bill No. 245. A bill to enforce the 13th article of the constitution, and to prevent negroes or mulattoes, or persons having one-eighth or more negro blood from coming into this State or settling therein, and prescribing penalties therefor,
Was read a third time.

Mr. Kinley moved to recommit the bill with instructions to add the following section:

SEC. —. *Be it further enacted*, That the Declaration of Ameri-

can Independence is a tissue of effete ideas and impractical abstractions, and that the Constitution of the United States, especially that clause of it, guaranteeing to the citizens of each State the privileges and immunities of the citizens of the several States, together with the Constitution of the State of Indiana, and all the laws thereof, giving color to the idea that man has rights in consequence of his humanity, be and the same is hereby repealed.

Mr. Heffren moved to lay the motion to recommit with instructions on the table.

The ayes and noes being demanded by Senators March and Heffren,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Brown, Carnahan, Conley, Conner, Cravens, Gooding, Green, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, O'Brien, Robinson, Steele, Studabaker, Turner, Wagner and Williams—27.

Those who voted in the negative were,

Messrs. Beeson, Bobbs, Craven, Hendry, Hill, Kinley and Stevens—7.

So the motion to recommit was laid on the table.

Mr. Hendry moved to lay the bill on the table.

The ayes and noes being demanded by Senators Heffren and Conley,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Gooding, Green, Hamilton, Hendry, Hill, Johnston, Jones, Kinley, Line, March, Robinson, Shoemaker, Steele, Stevens, Studabaker, Turner and Wagner—25.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Hargrove, Heffren, Jennings, Lomax, McClure, O'Brien and Williams—9.

So the bill was laid on the table.

Senate bill No. 61. A bill to amend the third section of an act entitled "an act to provide for the government and discipline of the

State prison, and to repeal an act entitled 'an act for the government and discipline of the State prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857.

Was read a third time and laid on the table.

Senate bill No. 91. A bill to provide compensation to persons who may bring to justice fugitives from the same.

Was read a third time and laid on the table.

HOUSE BILLS ON THEIR SECOND READING.

House bill No. 306. A bill for the relief of John M. Shirey,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 254. A bill making the register of sale of Michigan road lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records of patents and certificates of purchase and other evidence in writing of the sales of real estate and certified copies of such record evidence, and declaring the effect thereof,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 117. A bill to amend section 15, and to repeal sections 27 and 38, inclusive, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852, so as to give boards of county commissioners jurisdiction as to the change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees, under said sections so repealed, to the board of county commissioners, and providing for the disposition thereof,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 285. An act authorizing the redemption of lands mortgaged or that may be mortgaged to the sinking fund or other trust funds and the reinstating of mortgages in certain cases therein named, and to provide a remedy against bidders failing to comply with the terms of sale in cases of land sold by the sinking fund commissioners,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 222. An act to amend section 42 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and the disposal of the business thereof,

Was read a second time, and passed to a third reading on to-morrow.

House bill No. 245. An act to authorize deeds and mortgages heretofore acknowledged before county auditors, to be recorded and

authorizing the same, and also the record thereof to be read in evidence making such record notice to third persons, and making such conveyances valid,

Was read a second time.

Mr. Heffren moved to refer the bill to a select committee of three.

Which was agreed to, and

The President appointed Senators Heffren, Conley and Bennett said select committee.

House bill No. 223. An act to provide for the return of the jury in the common pleas court at the third day of the term,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 218. A bill to fix the time for holding the courts of common pleas, in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 226. An act to amend section eight of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 284. An act establishing fees for duties performed in the sinking fund office and in connection therewith,

Was read a second time and passed to a third reading on to-morrow.

House bill No. 282. An act concerning the sinking fund and its management, and prescribing the powers and duties of the sinking fund board and its officers,

Was read a second time.

Mr. Conley moved to refer the bill to a select committee of five with instructions to amend section 1 by adding in the proper place the following: "By and with the advice and consent of the Governor, Secretary of State, Auditor of State and Treasurer of State, or a majority of them, and not otherwise."

Also amend the first section of the bill by adding the following proviso thereto: *Provided however*, That said sinking fund commissioners shall not have a deposit of said fund in any bank or branch bank at any one time of a greater amount than fifty thousand dollars.

Which was agreed to and,

The President appointed Senators Conley, Heffren and Wagner said select committee.

House bill No. 298. An act to provide for laying out and repair-

ing highways upon the line between Indiana and adjoining States,
Was read a second time, and
On motion by Mr. Line,
Referred to a select committee of three.

The President appointed Senators Line, Carnahan and Williams said select committee.

House bill No. 293. A bill fixing the time and mode of electing State Printer, defining his duties, fixing compensation and repealing all laws coming in conflict with this act,
Was read a second time, and
On motion by Mr. Blair,
Referred to a select committee of three.

The President appointed Senators Blair, Heffren and Rice said select committee.

House bill No. 299. An act to authorize donations to be made to the State, or any person or municipal corporation for building or enlarging benevolent institutions, or for the use and benefit of common schools,
Was read a second time and passed to a third reading on to-morrow.

House bill No. 324. A bill to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford, in Ohio county,
Was read a second time and laid on the table.

The following messages from the House were taken up.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

House bill No. 287. A bill providing for the extension of the buildings of the Hospital for the Insane and authorizing a loan of money for that purpose. Also,

House bill No. 304. An act to amend the first section of "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852.
In which the concurrence of the Senate is respectfully requested.

House bills Nos. 287 and 304, contained in the foregoing message,
Were each read a first time and passed to a second reading on to-morrow.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, with an amendment thereto, the following engrossed bill of the Senate:

Senate bill No. 30. A bill to provide for the transferring of cerstock of the State of Indiana, providing for the registry of the same and to prevent a fraudulent issue thereof, and providing a punishment for violation of the provisions of this act.

House amendment to Senate bill No. 30:
Strike out all the 4th section after the word "Indiana" in the fifth line.
In which the concurrence of the Senate is respectfully requested.

On motion by Mr Heffren,
The engrossed amendments of the House were concurred in.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to the following engrossed bills of the House:

House bill No. 295. An act providing for the erection of a State Penitentiary north of the Wabash river and making appropriations therefor. Also,

House bill No. 105. An act to compel owners of town lots to grade and pave sidewalks, and fixing the penalty thereto. Also,

House bill No. 82. An act to regulate the practice in certain cases appealed to the supreme court. Also,

House bill No. 91. A bill to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas of certain causes therein named. Also,

House bill No. 122. A bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same as for money had and received, without making previous holders parties to the suit, and making such currency evidence of the indebtedness.

On motion by Mr. March,

Senate bill No. 5. A bill to amend the 1st section of an act entitled "an act concerning interest on money," approved May 27, 1852, and the amendments proposed by the committee on finance, February 16th, and laid on the table with the bill on that day,
Were taken up.

On motion by Mr. March,
The amendments proposed by the committee were concurred in.

The bill was ordered to be engrossed and read a third time on tomorrow.

On motion by Mr. Heffren,
The Senate adjourned.

FRIDAY MORNING, 9 o'clock,
March 4, 1859.

The Senate met.

The reading of the Journal of yesterday was dispensed with.

On motion by Mr. Hendry,
The following House message was taken up:

A message from the House by Mr. Ryan, its clerk.

Mr. President:

In obedience to a resolution of the Senate of the 2d inst., I am directed by the House of Representatives to return to the Senate engrossed bill of the Senate No. 186. A bill to amend the second section of an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation.

On motion by Mr. Heffren,
The vote on the passage of Senate bill No. 186, contained in the foregoing message, was reconsidered.

On motion by Mr. Hendry,
The bill was recommitted to a select committee of three, with the following instructions:

Strike out from the words "be amended to read as follows" to the words "and when such petitions," and insert the following:
And for the purposes of this act, whenever a petition is presented to the board of county commissioners for the relocation of a county seat, they shall notify the trustees of each township to make out and return to said board of county commissioners, verified by the affidavit of such trustee, at a time to be specified by said board, a correct list of all the legal voters in each township, which list shall be taken and held to be the true number of legal voters in such county. The expenses of taxing the lists aforesaid shall be paid by the applicants for such relocation; *Provided*, That nothing in this act shall be construed as in any manner to effect cases pending for the relocation of county seats, where petitions for such relocation have been filed with the board of county commissioners before the passage of this act.

The President appointed Senators Hendry, Heffren and Shoemaker said select committee.

REPORTS FROM STANDING COMMITTEES.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 175, "a bill to amend section eleven of an act entitled 'an act to establish court of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof,' approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

Strike out all after the word "contract," in the third line of the amended section, and insert the following:
And when the title to real estate shall be put in issue as hereinafter provided, the court of common pleas shall have concurrent jurisdiction with the circuit court, and concurrent jurisdiction with justices of the peace in all cases, except as otherwise expressly provided, and subject to the law in relation to the payment of costs.

When it appears upon the face of the complaint or by other legitimate pleading, verified by affidavit, that the title to real estate is in issue in the common pleas court of any county, the cause with the papers and a transcript of the entries of record shall be transferred to the circuit court of the same county, and there stand for trial at the first term after the transfer, as if originally commenced therein. If the cause of transfer appear in the complaint the plaintiff shall pay all costs in the common pleas, except the summons and service; the decision of the common pleas court ordering the transfer shall be final; but the circuit court may tax all costs made in the former court, except the summons and its service, to the party procuring such transfer without sufficient cause.

SEC. 2. The court of common pleas in the several counties of this State shall have original jurisdiction of felonies not punishable with death, concurrent with the circuit court in the following cases: *First.* When a person is in custody on a charge of felony before indictment by the grand jury. *Second.* When the person charged is on bail, and before indictment, voluntarily, in person or in writing, submits to the jurisdiction of the court, which submission he cannot withdraw. *Third.* When a cause is reversed by the supreme court on account of defects in the indictment, and the defendant is in custody, and the proper circuit court not in session. In these cases the defendant shall be tried without the intervention of a grand jury, on complaint in the manner provided by the laws for the trial of misdemeanors. *Fourth.* When a defendant is remanded by the supreme court for further trial for error, other than defect in the indictment, and is in custody, and the proper circuit court is not in session at the time. *Fifth.* Said court shall also have power to try any criminal charge in change of venue from the circuit court, when the party is in custody or voluntarily submits to the jurisdiction as aforesaid, the court shall appoint an early day for trial, either in term or vacation. In all cases contemplated in this section the common pleas shall have all the powers and incidents of the circuit court.

Which report was concurred in, the amendments adopted, and the bill passed to a third reading.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 255, "a bill to abolish complete records in the supreme court," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, and the bill passed to a third reading.

Mr. Johnston, from the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of John Bechtol, have had the same under consideration, and have directed me to report the same back and recommend that the petition lay on the table.

Which report was concurred in, and the petition was laid on the table.

Mr. Jones, chairman of the committee on claims, made the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of Jerry Shea, for carrying the mail from the State House to the Post office during the special session, have had the same under consideration, and have ascertained that the claimant was allowed at the extra session, thirty-six dollars for his services, which the committee deem to be an ample compensation, and therefore recommend that it lay on the table.

Which report was concurred in, and the petition was laid on the table.

Mr. Jones, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the letter of H. Prother, with regard to the passage of a joint resolution extending the time for the payment of taxes, &c., have had the same under consideration and directed me to report the same back, and recommend that it lay on the table.

Which report was concurred in, and the letter was laid on the table.

Mr. Craven, from the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance to whom was referred the resolution passed at a convention of delegates, from the Wabash and Erie canal, February 1, 1859, have had the same under consideration and have directed me to report it back, and recommend that it lay on the table.

Which report was concurred in, and the resolution was laid on the table.

Mr. Tarkington, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education, to whom was referred Senate bill No. 276, "a bill directing county auditors and treasurers to invest common school funds in Indiana State Stocks," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in, the bill ordered to be engrossed, and passed to a third reading.

Mr. March, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 3, "a bill to amend section 302, &c.," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

In the first amended section, strike out all after the 12th line and insert the following:

As to any matter in which they are jointly interested, such other co-defendant shall be competent to testify on his own behalf as to the same matter; but on examination of a party taken by a co-plaintiff or co-defendant, shall not be read in behalf of the party so examined, at his instance; and a party may be compelled to attend and testify by a co-plaintiff or co-defendant in the cases provided for in this act in the same manner as if required at the instance of an advance party.

Which report was concurred in, the amendments adopted, and the bill passed to a third reading.

REPORTS FROM SELECT COMMITTEES.

Mr. Hendry, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 186, "a bill to amend the second section of an act to provide for the relocation of county seats, and for the erection of public buildings in certain cases of such relocation," have had the same under consideration, and directed me to report the same back with an amendment

in accordance with the instructions of the Senate, and recommend its passage.

Which report was concurred in.

Mr. Heffren moved that the bill be read a third time.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Carnahan, Conley, Conner, Cravens, Green, Hamilton, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, McLean, March, Murray, Stevens, Studabaker, Thompson, Turner and Weir—26.

Those who voted in the negative were,

Messrs. Cobb, Line, Lomax, McClure, Miller, O'Brien, Slack and Williams—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Heffren, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 245, "a bill to authorize deeds and mortgages, heretofore acknowledged before county auditors, to be recorded, and authorizing the same, and also the record thereof to be read in evidence, making such record notise to third persons, and making such conveyances valid," have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill was passed to a third reading.

Leave being granted,

Mr. Bobbs presented the claim of John Ott, for desks and chairs for the Senate chamber,

Which,

On motion by Mr. Bobbs,

Was referred to the committee on finance.

Mr. Heffren presented the claim of the Indiana Sentinel company,

Which,

On motion by Mr. Heffren,

Was referred to the committee on finance.

Mr. Slack presented the claim of C. C. Campbell, late sheriff of Marion county, for services in arresting Hiram Morehead, a murderer, and William Monley, a horse thief,

Which,

On motion by Mr. Slack,

Was referred to the committee on finance.

The Honorable A. A. Hammond here appeared, and took his seat as President of the Senate.

Leave being granted,

Mr. March offered the following resolution:

Resolved, That in the judgment of the Senate, this General Assembly has the power, under the constitution, to pass and present bills to the Governor, for his approval, until twelve o'clock next Saturday night.

Mr. Blair moved to amend the resolution by adding the following: "and that a select committee on the part of the Senate, be appointed to confer with a similar committee on the part of the House, in relation to this subject.

Which amendment was agreed to.

The resolution as amended was adopted, and

The President appointed Senators March and Slack, said committee on the part of the Senate.

On motion by Mr. Bobbs,

Senate bill No. 257. A bill for the relief of the lessees of the State, of the water power and other privileges on the northern division of the central canal, and authorizing suits upon the bonds of Francis A. Conwell, and others for their benefit and to subject the property conveyed to said Conwell by the State to the payment of the damages sustained by said lessees, their heirs, executors, administrators and assigns, by the breach of the conditions of said bond,

Was taken from the table, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Conley, Conner, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, McLean, March, Murray, O Brien, Odell, Rice, Robinson, Slack, Steele, Stevens, Thompson, Turner, Wagner, Weir, Williams and Wilson—33.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Heffren, Lomax, McClure, Miller, Shoemaker, Studabaker and Tarkington—12.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Green,

House bill No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock and the nominal value of its shares, and to issue certificate therefor,
Was taken up.

Mr. Weir moved to reconsider the vote on the adoption of the amendments of the Senate to the bill.
Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cravens, Craven, Culver, Gooding, Green, Hamilton, Heffren, Hendry, Hill, Kinley, Line, McClure, Odell, Stevens, Tarkington, Turner, Wagner, Weir and Wilson—24.

Those who voted in the negative were,

Messrs. Beeson, Carnahan, Cobb, Hargrove, Johnston, Lomax, McLean, Rice, Robinson, Shoemaker, Studabaker, Thompson and Williams—14.

So the bill did not pass for the want of a constitutional vote.

Leave being granted,
Mr. Johnston offered the following resolution:

Resolved, That the thanks of the Senate are due and they are hereby tendered to the Hon. John R. Cravens for the able, impartial and efficient manner in which he has presided over the Senate as President *pro tempore*, during its present session.

Leave being granted,
Mr. Conley submitted the following report from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 282, "a bill concerning the sinking fund and its management, and prescribing the powers and duties of the sinking fund board and its officers," have had the same under consideration and have directed me to report the same back with the amendments recommended by the Senate on yesterday, and to recommend its passage when so amended.

Mr. Conley moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

Mr. Studabaker moved to amend the bill so as to provide "that if the board should appoint the treasurer or president, no additional compensation shall be allowed."
Which was unanimously agreed to.

Mr. Studabaker moved to recommit with instructions "to strike out all that requires deposits."

Mr. Heffren moved to lay the motion to recommit with instructions on the table.

The ayes and noes were demanded by Senators Heffren and Cobb.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Conley, Conner, Cravens, Craven, Culver, Green, Hamilton, Heffren, Johnston, Jones, McLean, Miller, Murray, Odell, Rice, Steele, Stevens, Tarkington, Thompson, Turner and Wagner—25.

Those who voted in the negative were,

Messrs. Blair, Carnahan, Cobb, Gooding, Hargrove, Hendry, Kinley, Line, Lomax, McClure, Miller, O'Brien, Robinson, Shoemaker, Studabaker, Weir, Williams and Wilson—18.

So the motion to recommit was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bobbs, Conley, Conner, Cravens, Craven, Green, Hamilton, Heffren, Hill, Johnston, Jones, McLean, Murray, Odell, Rice, Steele, Stevens, Tarkington, Turner and Wagner—22.

Those who voted in the negative were,

Messrs. Bennett, Blair, Brown, Carnahan, Cobb, Culver, Gooding, Hargrove, Hendry, Jennings, Kinley, Line, Lomax, McClure, Miller, O'Brien, Robinson, Shoemaker, Studabaker, Thompson, Williams and Wilson—22.

So the bill did not pass.

On motion by Mr. Wilson,
The following message of the House was taken up.

A message from the House by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate with sundry engrossed amendments thereto:

Senate bill No. 63. A bill to amend the 5th section of an act entitled "an act to provide for the equalization and appraisement of the real estate in the State of Indiana," approved May 28, 1852.

Engrossed House amendments to Senate bill No. 63:
Amend the title as follows: Strike out the word "section" and insert instead thereof the words "and eighth sections."
Add at the end of the title the following words: "Constituting county auditors district boards of equalization, providing where they shall meet, providing for equalizing appraisements between counties and congressional districts, providing for a State board of equalization, and constituting the Auditor of State president of the State board of equalization."
In which the concurrence of the Senate is respectfully requested.

Mr. Weir moved to concur in the engrossed amendments of the House to the bill contained in the foregoing message.
Which was agreed to.

Leave being granted,
Mr. Weir, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred House bill No. 193, "a bill relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," have had the same under consideration,

and instructed me to report the same back, without amendment, and recommend its passage.

Mr. Johnston moved to amend the first section of the bill so as to fix the salary of the Auditor, and Treasurer and Secretary of State, and the President of the Board of Sinking Fund Commissioners at twenty-five hundred dollars each per annum.

Mr. Heffren moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Johnston and Conley,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bobbs, Brown, Cravens, Hamilton, Heffren, Jones, Line, McLean, Miller, O'Brien, Odell, Slack, Stevens, Studabaker, Tarkington, Turner, Wagner and Weir—20.

Those who voted in the negative were,

Messrs. Bennett, Blair, Carnahan, Cobb, Conley, Conner, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Kinley, Lomax, McClure, March, Murray, Rice, Robinson, Shoemaker, Steele, Thompson, Williams and Wilson—27.

So the amendment was not laid on the table.

Mr. Rice moved to amend the amendment as follows:

Amend so as to make the salary of the Superintendent of the Asylum for the Deaf and Dumb $1,200; the salary of the Superintendent of the Insane Hospital $1,500, and the salary of the Superintendent of the Asylum for the Blind $1,000.

Mr. Johnston moved to lay the amendment to the amendment on the table.

The ayes and noes being demanded by Senators Johnston and Rice,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Carnahan, Cobb, Conley, Gooding, Hargrove, Heffren, Hendry, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Stevens, Weir, Williams and Wilson—29.

Those who voted in the negative were,

Messrs. Bobbs, Brown, Conner, Cravens, Craven, Culver, Green,

Hamilton, Jennings, Murray, Rice, Slack, Steele, Studabaker, Tarkington, Thompson, Turner and Wagner—18.

So the amendment to the amendment was laid on the table.

Mr. Craven moved to amend the amendment so as make the salaries of the Auditor, Treasurer and Secretary of State each three thousand dollars.

Mr. Johnston moved to lay the amendment to the amendment on the table.

Which was agreed to.

The question recurred, shall the amendment be adopted?

It was not agreed to.

Mr. Johnston moved to amend the 13th specification of the first section of the bill by striking out "eight" and inserting "four," and the 14th specification of the same section by striking out "eight" and inserting "five."

Mr. Weir moved to lay the amendment on the table.

Which was agreed to.

Mr. Johnston moved to amend the first section of the bill by making the salary of the Auditor, Treasurer and Secretery of State, and the President of the Board of Sinking Fund Commissioners each two thousand five hundred dollars per annum.

Mr. Weir moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Johnston and Carnahan,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Brown, Conley, Cravens, Gooding, Hamilton, Heffren, Jennings, Line, McLean, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Studabaker, Tarkington, Wagner and Weir—23.

Those who voted in the negative were,

Messrs. Bennett, Blair, Bobbs, Carnahan, Cobb, Conner, Craven, Culver, Green, Hargrove, Hendry, Hill, Johnston, Jones, Kinley, Lomax, McClure, March, Robinson, Shoemaker, Thompson, Turner, Williams and Wilson—24.

So the amendment was not laid on the table.

Mr. Conley moved to amend the amendment by striking out fifteen hundred dollars and inserting eight hundred dollars.

Mr. Heffren moved to lay the amendment to the amendment on the table.
Which was agreed to.

The question recurred, shall the amendment be adopted?

The ayes and noes being demanded by Senators Johnston and Wilson,

Those who voted in the affirmative were,

Messrs. Blair, Carnahan, Cobb, Craven, Culver, Green, Hargrove, Hendry, Johnston, Kinley, Lomax, March, Robinson, Thompson, Williams and Wilson—16.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Conley, Conner, Cravens, Gooding, Hamilton, Heffren, Hill, Jones, Line, McClure, McLean, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner and Weir—29.

So the amendment was not adopted.

Mr. Johnston moved to amend the 19th specification of the bill by striking out one thousand dollars and inserting six hundred.

Mr. Heffren moved to lay the amendment on the table.
Which was agreed to.

Mr. Shoemaker moved to amend the bill so as to provide that the docket fee specified in section 4 shall be three dollars and the one in section 5, five dollars.

Mr. Anthony moved to lay the amendment on the table.
Which was agreed to.

Mr. March moved to amend the bill as follows: Strike out the following words in the 4th section, "or making a confession of judgment in said court," and insert the following in lieu thereof, "except on judgment confessed before trial."

Mr. Gooding moved the previous question.
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the amendment be adopted?
It was not agreed to.

Mr. Murray moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

Mr. Conner moved to recommit the bill with instructions to so amend as to provide a compensation for the Governor's Private Secretary of $800 per annum.
Which was not agreed to.

Mr. Gooding moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Brown, Cravens, Gooding, Hamilton, Heffren, Jones, Line, McClure, McLean, Miller, O'Brien, Odell, Rice, Slack, Steele, Studabaker, Turner, Wagner and Weir—22.

Those who voted in the negative were,

Messrs. Bennett, Bobbs, Carnahan, Cobb, Conner, Craven, Culver, Green, Hargrove, Hill, Johnston, Kinley, Lomax, March, Robinson, Shoemaker, Tarkington, Thompson, Williams and Wilson—20.

So the bill did not pass.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate without amendment:

Senate bill No. 17. A bill to provide for the partition of real estate and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect. Also,

Senate bill No. 178. A bill providing for the election and appointment of supervisors of highways and prescribing certain of

their duties and those of county and township officers in relation thereto, and matters properly connected therewith. Also,

Senate bill No. 264. A bill supplemental to "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and making the order of the board of commissioners under section nine of said act final in certain cases.

The following messages from the House by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House reciprocate the resolution of the Senate of the 4th inst., in reference to the latest hour bills can be presented to the Governor for his signature, and have appointed Messrs. Davis and Turpie a committee on the part of the House to confer with a similar committee on the part of the Senate.

MR. PRESIDENT.

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof, enrolled bills of the House Nos. 340, 105, 91, 122, 82, 93 and 169.

The President and Secretary signed the bills.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signature of the President thereof, enrolled bill of the House No. 295.

The President signed the bill.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 105. An act to compel owners of town lots to grade and pave or plank sidewalks, and fixing the penalty thereto.

House bill No. 122. An act to authorize holders of unauthorized paper currency to sue for and recover from persons, company or cor-

poration or association who have issued the same as for money had and received without making previous holders parties to the suit, and making such currency evidence of the indebtedness.

House bill No. 91. An act to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas of certain causes therein named.

House bill No. 82. An act to regulate the practice in certain cases appealed to the supreme court.

House bill No. 340. An act prescribing the time of holding the circuit court in the county of Sullivan, and to repeal all laws in conflict with this act.

House bill No. 93. An act to amend the 6th section, and the third clause of the 7th section, and the 12th, 14th, 19th and 20th sections of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, and to provide for opening up decrees of divorce in certain cases," approved May 13, 1852.

Senate bill No. 264. An act supplemental to an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and making the order of the board of commissioners under section nine of said act final in certain cases.

Senate bill No. 17. An act to provide for the partition of real estate, and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect.

House bill No. 169. An act for the relief of the heirs at law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State.

A message from the House by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, without amendment:

Senate bill No. 224. A bill authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads.

Senate bill No. 226. A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutes and missionary boards," approved May 13, 1852.

Senate bill No. 138. A bill to fix the amount of the salary of State Librarian, and repealing all laws conflicting therewith, and to dispense with an Assistant Librarian and Clerk.

Senate bill No. 77. A bill to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof."

Senate bill No. 183. A bill in relation to the partition of real estate.

Senate bill No. 246. A bill authorizing the Treasurer of State to pay out moneys to aid the Indiana Historical Society, and to provide checks and restrictions in the payment of the same.

Senate bill No. 131. A bill to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venue in certain cases.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in engrossed amendments of the Senate to House bill No. 344. A bill to fix the time of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the enrolled with the engrossed copies of the following Senate bills, and find the same to be correctly enrolled:

Senate bill No. 17. A bill to provide for the partition of real es-

tate and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect. Also, Senate bill No. 264.

On motion by Mr. Green,
The Senate adjourned.

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2 o'clock, p. m.

The Senate met.

Leave being granted,
Mr. Johnston offered the following resolution:

Resolved, That the Senate will, the House concurring therein, adjourn *sine die* on Monday, March 7th, at 5 o'clock, P. M., and that the Senate will, the House concurring, continue to pass bills, if the files are not sooner cleared, until Saturday, March 5th, at 4½ o'clock, P. M.
Which was adopted.

Mr. Slack, from a joint committee on the part of the two Houses, made the following report:

Mr. President:

The joint committee of the House and Senate to whom was referred the concurrent resolution of the Senate and House making inquiry as to the time beyond which bills could not be passed and presented to the Governor for his signature, have had the same under consideration and wholly failed to agree. The gentlemen of the committee on the part of the House adhering to the previously expressed opinion of the House that no bill could constitutionally be passed and presented to the Governor for his approval after 12 o'clock on Friday night; while the members of the committee on the part of the Senate, with equal pertinacity, adhered to the previously expressed sentiments of the Senate that bills could be passed and presented to the Governor for his approval up to 12 o'clock on Saturday night. Believing as we do that no other reasonable interpretation can be given to the Constitution, in which conclusion we are fortified by the former action and expressed opinion of both branches of the General Assembly since 1853, your committee therefore ask the

Senate to adhere to the opinion entertained by your committee, believing as we do that an abandonment of that position will defeat many measures absolutely necessary to be passed, and result most disastrously to the interests of the people of the State.

Which report was laid on the table.

On motion by Mr. Shoemaker,

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 279. An act to empower plank road companies to sell and convey their real and personal estate.

In which the concurrence of the Senate is respectfully requested.

House bill No. 279, contained in the foregoing message,

Was read a first time.

Mr. Shoemaker moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Culver, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Kinley, Line, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Turner, Wagner, Weir, Williams and Wilson—34.

No Senator voting in the negative.

So the rules were suspended and the bill read a second time by its title.

The rules being suspended,

Mr. Shoemaker moved to read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bobbs, Brown, Cobb, Conley, Conner, Cravens,

Culver, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—35.

Senators Anthony and Blair voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Kinley introduced

Senate Joint Resolution No. 15. A joint resolution giving the use of the State Library to the officers and members of the Indiana Association for the Advancement of Science and Indiana Historical Society.
Which was read.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Culver, Gooding, Green, Hargrove, Hendry, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, O'Brien, Odell, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—35.

No Senator voting in the negative.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Brown,

House bill No. 254. A bill making the register of sale of Michigan road lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records of patents and certificates of purchase and other evidence in writing of the sale of real estate and certified copies of such record evidence, and declaring the effect thereof.
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Culver, Gooding, Green, Hargrove, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—33.

Senator Jennings voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Slack, from the committee on the judiciary, made the following report:

Mr. President:

The judiciary committee, to whom was referred House bill No. 337, "a bill providing for the allowance of compensation to clerks of the circuit and common pleas courts and sheriffs, for extra services, and to repeal all laws inconsistent therewith," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.
Which report was concurred in.

Mr. Slack moved to read the bill a third time.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Culver, Gooding, Hargrove, Hendry, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Slack, Steele, Stevens, Studabaker, Turner, Wagner, Weir, Williams and Wilson—34.

Senators Bennett and Shoemaker voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Weir,

House bill No. 21. A bill providing for voluntary assignment of personal and real property in trust for the benefit of creditors and regulating the mode of administering the same,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bobbs, Brown, Cobb, Conley, Cravens, Culver, Hargrove, Jennings, Johnston, Jones, Kinley, Line, McClure, McLean, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Studabaker, Thompson, Turner, Weir, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Bennett, Conner, Green, Hamilton, Hill, Lomax, March and Wagner—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Conner,

House bill No. 141. A bill to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Conner, Hamilton, Hendry, Hill, Jennings, Line, McLean, Odell, Slack, Stevens, Turner and Weir—15.

Those who voted in the negative were,

Messrs. Bennett, Cobb, Conley, Culver, Gooding, Green, Hargrove, Johnston, Kinley, Lomax, McClure, March, Murray, O'Brien, Robinson, Shoemaker, Studabaker, Thompson, Wagner, Williams and Wilson—21.

So the bill did not pass.

HOUSE BILLS ON THEIR THIRD READING.

House bill No. 144. A bill to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchaser or purchasers; to provide for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Cravens, Hamilton, Hendry, Murray, Odell, Slack, Stevens, Tarkington, Turner and Weir—10.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Brown, Cobb, Conner, Culver, Hargrove, Hill, Johnston, Kinley, Line, Lomax, McClure, March, Robinson, Shoemaker, Thompson, Williams and Wilson—19.

No quorum voting.

Mr. Line moved to recommit the bill to a select committee of three with the following instructions: "Incorporate a provision that will give the Legislature the power to control freight and toll on roads thus consolidated."

Which was agreed to, and

The President appointed Senators Line, Turner and Wagner such select committee.

On motion by Mr. Anthony,

A call of the Senate was ordered.

The Secretary proceeded with the call,

Whereupon the following Senators answered to the call:

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studebaker, Tarkington, Thompson, Weir, Williams and Wilson—43.

Mr. Conner moved that the further call of the Senate be dispensed with.

Which was agreed to.

On motion by Mr. Bobbs,

Senate bill No. 262. A bill to provide for the printing and binding of two thousand copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, Shoemaker, Slack, Steele, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Anthony, Hill, Johnston, Odell, Robinson and Stevens—6.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Cravens,

The following House message was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House as passed the following joint resolution thereof:

House Joint Resolution No. 24. A joint resolution in relation to the settlement, adjustment and collection of the dues to the State from various officers and persons indebted thereto.

In which the concurrence of the Senate is respectfully requested.

House joint resolution No. 24, contained in the foregoing message, was read.

Mr. Heffren moved to amend the joint resolution by adding the following proviso:

Provided, That the acts of said commissioners shall not be final and binding, until approved by the next Legislature.

Which was not agreed to.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Gooding, Green, Hill, Jones, Kinley, McLean, Miller, Murray, Steele, Tarkington, Thompson, Turner, Wagner, Weir and Wilson—25.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Culver, Hargrove, Heffren, Hendry, Johnston, Line, Lomax, McClure, March, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker and Williams—17.

So the joint resolution did not pass for want of a constitutional vote.

Mr. McLean, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred House bill No. 258, "an act to provide for the management and disposal of the property of persons who have absented themselves from their usual place of residence, and gone to parts unknown," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment:

Amend by inserting the words "for the space of two years," after the word "unknown," in the seventh line of section one.

Which report was concurred in, and the amendments were adopted.

Mr. McLean moved to read the bill a third time.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Green, Hamilton, Hendry, Hill, Jones, Kinley,

Line, McLean, March, Miller, Murray, O'Brien, Rice, Slack, Turner, Wagner, Weir and Wilson—27.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Culver, Gooding, Hargrove, Heffren, Johnston, Lomax, McClure, Robinson, Thompson and Williams—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Blair, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 293, "an act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act," have had the same under consideration and have directed me to report it back without amendment, and recommend its passage.
Which report was concurred in.

Mr. Gooding moved to take up House bill No. 1.

The ayes and noes being demanded by Senators Gooding and Wagner.

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Hendry, Hill, Kinley, Murray, Rice, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Weir—25.

Those who voted in the negative were,

Messrs. Beeson, Carnahan, Cobb, Conley, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, O'Brien, Odell, Studabaker, Williams and Wilson—21.

So the motion prevailed, and

House bill No. 1. A bill to provide for taking the sense of the qualified voters of the State, on calling a convention to alter, amend or revise the constitution of the State,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Gooding, Green, Hargrove, Hendry, Hill, Jones, Kinley, March, Murray, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Weir —30.

Those who voted in the negative were,

Messrs. Conley, Hamilton, Heffren, Jennings, Johnston, Line, Lomax, McClure, McLean, Miller, O'Brien, Odell, Shoemaker, Slack, Studabaker, Williams and Wilson—17.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Conley,

House bill No. 223. A bill to provide for the return of the jury in the common pleas court at the third day of the term,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Green, Hendry, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Thompson, Turner, Williams and Wilson—35.

Those who voted in the negative were,

Messrs. Anthony, Culver, Hamilton, Hargrove and Weir—5.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Conley,

House bill No. 222. A bill to amend section 42 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges

thereof," approved May 14, 1853, so as to regulate the docketing and the disposal of the business thereof,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Brown, Cobb, Conley, Conner, Cravens, Craven, Green, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, March, Miller, Murray, O'Brien, Odell, Shoemaker, Steele, Stevens, Tarkington, Thompson, Wagner and Wilson —30.

Those who voted in the negative were,

Messrs. Carnahan, Culver, Hamilton, Hargrove, Heffren, Lomax, McClure, McLean, Robinson, Slack, Studabaker and Weir—12.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Stevens,

A re-count was ordered on House joint resolution No. 24, "a joint resolution in relation to the settlement, adjustment, and collection of the dues to the State of Indiana, from various officers and persons indebted thereto."

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Gooding, Green, Hill, Jennings, Jones, Kinley, McLean, Miller, Murray, Odell, Rice, Robinson, Steele, Stevens, Tarkington, Thompson, Turner, Wagner, Weir and Wilson—30.

Those who voted in the negative were,

Messrs. Carnahan, Conley, Culver, Hargrove, Heffren, Hendry, Johnston, Line, Lomax, McClure, Shoemaker, Slack, Studabaker and Williams—14.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

Mr. Studabaker moved to reconsider the vote on the passage of House bill No. 223.

Which was not agreed to.

On motion by Mr. Murray,

House bill No. 325. A bill to fix the time of holding the Cass court of common pleas,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Wagner, Weir, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Tarkington,

The following House message was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, viz:

House bill No. 234. An act to amend the 4th, 27th, 107th and 143d sections of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," and repealing all laws and parts of laws in conflict with this act.

In which the concurrence of the Senate is respectfully requested.

Mr. Tarkington moved to suspend the rules and read House bill No. 234, contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, S. J.—62.

Conley, Conner, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Heffren, Hendry, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Slack, Steele, Stevens, Tarkington, Thompson, Wagner, Williams and Wilson—36.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a first time by its title.

The rules being suspended,
Mr. Murray moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

Mr. Murray moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Gooding, Green, Hamilton, Hargrove, Hendry, Hill, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Murray, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Thompson, Weir, Williams and Wilson—37.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Cobb,

House bill No. 304. A bill to amend the first section of "an act authorizing the construction of plack, McAdamized and gravel roads," approved May 12, 1852,
Was read a second time.

Mr. Murray moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Craven, Gooding, Hamilton, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Thompson, Turner, Wagner, Williams and Wilson—37.

No Senator voting in the negative.

So the rules were suspended, and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Craven, Gooding, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Turner, Wagner, Weir, Williams and Wilson—39.

Senator Carnahan voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Conner,
The following House message was taken up:

A message from the House, by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 281. A bill providing for the incorporation of canal companies.
In which the concurrence of the Senate is respectfully requested.

Mr. Conner moved to suspend the rules and read House bill No. 281, contained in the foregoing message, a first time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Gooding, Hamilton, Heffren, Hendry, Hill, Jennings, Jones, Kinley, Line, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Turner, Wagner, Weir, Williams and Wilson —38.

Senators Johnston and Lomax voting in the negative.

So the rules were suspended and the bill was read a first time by its title.

The rules being suspended,
Mr. Conner moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

On motion by Mr. Conner,
The bill was referred to a select committee of three.

The President appointed Senators Conner, Wagner and Rice said select committee.

Leave being granted,
Mr. Rice, chairman of the committee on finance, made the following report:

Mr. President:

The committee on finance to whom was referred House bill No. 338, "a bill making general appropriations for the years 1859 and 1860, and the first quarter of the year 1861," have had the same under consideration and direct me to report it back to the Senate with the following amendments, and when so amended recommend its passage:

Sec. —. That for the purpose of repairs to the heating apparatus, furniture and insurance upon the building and furniture for the Deaf and Dumb Asylum, the sum of $6,000 is hereby appropriated, to be expended under the direction of the President, Trustees and Superintendent of the Institution.

Sec. —. That the sum of $200 for the year 1859 and the further sum of $200 for the year 1860, be and the same is hereby appropriated for the purpose of replenishing the library for the Hospital for the Insane, to be expended under the direction of the President, Trustees and Superintendent of the Institution.

SEC. —. That the sum of $1,000 be and the same is hereby appropriated for the purpose of supplying water for the Hospital for the Insane, to be expended under the direction of the President, Trustees and Superintendent of the Institution, who are hereby required to let the contract to the lowest responsible bidder.

SEC. —. That the sum of $1,000 for the year 1859 and the further sum of $1,000 for the year 1860, be and the same is hereby appropriated for the purpose of procuring durable and substantial furniture for the Hospital for the Insane, to be expended under the direction of the President, Trustees and Superintendent of the Institution.

SEC. —. That the sum of $7,082 42 be and the same is hereby appropriated for the purpose of liquidating the following indebtedness of the Hospital for the Insane, viz: To Greenwood & Co., $5,517 40; to Thomas Barrowman, $928 31; to Nixon & Co., $523 16, and to Root & Co., $111 55, to be paid out under the direction of the President, Trustees and Superintendent of the Institution.

SEC. —. That the sum of $300 for the purpose of purchasing one piano for the Asylum for the Blind, and the further sum of $300 for the purpose of repairing the heating apparatus of said Asylum, be and the same are hereby appropriated, to be expended under the direction of the President, Trustees and Superintendent of the Institution.

SEC. —. That the sum of $200 per annum be allowed the Superintendent of the Asylum for the Deaf and Dumb, and that the sum of $300 per annum be allowed the Superintendent of the Hospital for the Insane, and that the sum of $200 per annum be allowed to the Superintendent of the Asylum for the Blind, to be paid out of the funds appropriated for the current expenses of said Institutions.

SEC. —. The sum of $200 be and is hereby appropriated for the purchase of Bibles for the use of the State Prison out of the State Treasury.

Which report was concurred in and the amendments adopted.

Mr. Heffren moved to cousider the amendments as engrossed and read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Odell, Rice, Robinson,

Slack, Stevens, Studabaker, Tarkington, Thompson, Turner, Wagner, Weir, Williams and Wilson—41.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Heffren, from the committee on finance, made the following report:

Mr. President:

The committee on finance to whom was referred House bill No. 341, "a bill making specific appropriations for the year A. D., 1859," have had the same under consideration and direct me to report the same back with the following amendments, and when so amended recommend its passage:

Sec. —. That —— Gatewood be allowed the sum of $6 for preparing and fitting up Senate Chamber.

Sec. —. That E. Valentine be allowed the sum of $3 for services rendered in fitting up Senate Chamber.

Sec. —. That S. Newbanks be allowed the sum of $6 for services rendered in fitting up Senate Chamber.

Sec. —. That J S. Harvey be allowed the sum of $12 for services rendered as Principal Secretary in organizing the Senate at the extra session of the Legislature.

Sec. —. That W. J. Elliott be allowed the sum of $183 *per diem*, while contesting the seat of Hon. John S. Bobbs, at the session of 1857.

Sec. —. That E. G. Holiday be allowed the sum of $3 per day for twenty days services rendered the committee on township business.

Sec. —. That E. G. Holiday be allowed the sum of $3 per day for twenty days services rendered the committee on banks.

Sec. —. The E. G. Holiday be allowed the sum of $3 per day for one day's service rendered as clerk of the committee on swamp lands.

Sec. —. That John Mayer be allowed the sum of $27 for services rendered in attending committee rooms and other work at the extra session.

Sec. —. That A. F. Shortridge be allowed the sum of $32 87 for premium on gold with which to buy stamps for use of members of the Senate, and for ten days' services in procuring wood and superintending and preparing State House before the commencement of the regular session of the Legislature.

SEC. —. That —— Scott be allowed the sum of $7 for removing coal, &c., during present session of the Legislature.

SEC. —. That the Indiana State Sentinel Company be allowed the sum of $18 75 for binding one hundred and fifty copies of Legislative Sentinel at the extra session of the Legislature for the use of the Senate.

SEC. —. That the Indiana State Sentinel Company be allowed the sum of $15 for printing and binding two three quire books for Secretary of Senate.

SEC. —. That T. A. Goodwin be allowed the sum of $263 50 for three thousand copies of American for House and two thousand postage stamps; also, sixteen hundred and fifty copies of the same for Senate and eleven hundred postage stamps.

SEC. —. That Chr. C. Campbell be allowed the sum of $152 for the arrest of Hiram Morehead, who was charged with murder.

SEC. —. That Charles C. Campbell be allowed the sum of —— dollars for the arrest of William Manly, who was convicted of horse stealing and broke jail after conviction.

SEC. —. That Prof. Mills be allowed the sum of $30 for his communication to the Senate on common schools, &c.

SEC. —. That Jacob Markle be allowed the sum of $57 for nineteen days' services in making out statistics for joint swamp land committee.

SEC. —. That William H. Martin be allowed the sum of $27 for nine days' services in taking evidence before the swamp land committee.

SEC. —. That John P. Dunn be entitled to $24 for eight days' services for the swamp land committee.

SEC. —. That R. H. Milroy be allowed the sum of $56 for *per diem* and mileage as a witness before the swamp land committee.

SEC. —. That William Noffsinger be allowed the sum of $2 for one day's service as witness before the swamp land committee.

SEC. —. That the sum of $300 be appropriated for the purpose of employing some skillful and competent person surgeon to treat the pupils of the blind asylum, to be expended under the direction of the Trustees and Superintendent of said asylum.

SEC. —. That E. G. B. Waldo be allowed $3 per day for three days, in making out swamp land items for Lake county.

SEC. —. That G. W. Spilter be allowed the sum of $2 per day for one day's services as witness before swamp land committee.

SEC. —. That John P. Dunn be allowed the sum of $3 per day for three days' service in making abstracts of swamp land vouchers in Lake county.

SEC. —. That J. R. Griffith be allowed the sum of $8 for tables furnished for the use of the Senate.

SEC. —. That E. D. Arnold be allowed the sum of $3 per day for two days' service in keeping up fires in furnace this session.

SEC. —. That William Snyder be allowed $3 per day for thirty days' services as clerk on joint committee of swamp lands.

SEC. —. That E. J. Robinson be allowed the sum of $3 per day for each day he may have been employed as clerk to the committee on benevolent institutions during the present session of the General Assembly, time so employed to be certified to by the chairman of said committee.

SEC. —. That Sheets & Braden be allowed the sum of $8 75 for two register bill books.

SEC. —. That Thomas Brady be allowed the sum of $3 per day for sixty days' services rendered as clerk of the committee on judiciary.

SEC. —. That John T. Rice be allowed the sum of $3 per day for forty-two days' services rendered as clerk of the committee on finance.

SEC. —. That W. H. Martin be allowed the sum of $3 per day for sixty-one days' services rendered as clerk of the committee on swamp lands.

SEC. —. That Wesley Wagner be allowed the sum of $3 per day for twenty-one days' services as assistant to the Principal Doorkeeper of the Senate.

SEC. —. That E. E. Campbell be allowed the sum of $4 for fourteen days' services as assistant Sergeant-at-Arms before the bank fraud investigating committee.

SEC. —. That Ira G. Grover be allowed the sum of $3 per day for nineteen days' services as clerk of the committee on finance.

SEC. — That N. L. Wilson be allowed the sum of $3 per day for forty days' services, as clerk of the committee on education.

SEC. —. That Wm. C. Smith be allowed the sum of $3 per day for twenty-one days' services rendered as clerk of the committee on education.

SEC. —. That E. G. Holliday be allowed the sum of $3 per day for twenty days' services rendered as clerk of the committee on printing.

SEC. —. That James N. Turner be allowed the sum of $12 28 for services rendered in the organization of the Senate at the extra session.

SEC. —. That David Patton be allowed the sum of $55 05 for services rendered in pursuing and arresting one Francis M. Lemon.

SEC. —. That John M. Moore be allowed the sum of $45 50 for pursuring, arresting and bringing to justice one James E. Cardwell, a horse thief.

SEC. —. That Minius Turner be allowed the sum of $97 for pursuing and capturing one James H. Durham, a fugitive from justice.

SEC. —. That Bernard Murphy be allowed the sum of $84 80 for pursuing, arresting and bringing to justice one James Ward, a fugitive from justice.

SEC. —. That ——— Stephenson be allowed the sum of $25 for pursuing, arresting and bringing to justice one Nicholas McCarty, a fugitive from justice.

SEC. —. That James McNeely be allowed the sum of $40 for

services rendered in pursuing and capturing and William Swicher, a horse thief.

Sec. —. That J. G. W. Traylor be allowed the sum of $35 for services rendered in removing William Swicher from the State of Kentucky to Scott county, Indiana.

Sec. —. That James Newbanks be allowed the sum of $6 for two days' services, during the extra session of the Legislature.

Sec. —. That Edward Valentine be allowed the sum of $6 for services rendered during the extra session of the Legislature.

Sec. —. That M. D. Hamilton be allowed $3 per day for twenty-four days in making a catalogue for the State Library, in accordance with a resolution of the Senate.

Sec. —. That William Fleming be allowed $345 for pursuing, arresting and bringing to justice George B. Buchanan, George Mansfield, Jacob Rush, William G. Barnes, Holfgang Much, John Knott, Lewis Upsey, Alvin Schnean and William Miller, fugitives from justice.

Sec. —. That Joel Gatewood be allowed the sum of $3 per day for sixty-one days' services for attending furnace during the present session.

Sec. —. That Samuel Deal be allowed the sum of $3 per day for fifty-three days' services, sawing wood and attending the furnace at night.

Sec. —. That John Mayer be allowed the sum of $3 per day for sixty-one days' services for attending committee rooms during the present session.

Sec. —. That Thomas M. Brown be allowed the sum of $4 per day for fifty days services as assistant journal clerk of the Senate.

Sec. —. That John H. Benton be allowed the sum of $4 per day for thirteen days' services as assistant journal clerk of the Senate.

Sec. —. That Cyril P. Oakley be allowed the sum of $4 per day for sixty-one days' services as assistant journal clerk of the Senate.

Sec. —. That John T. Rice be allowed the sum of $4 per day for nineteen days' services as assistant journal clerk of the Senate.

Sec. —. That Ira G. Grover be allowed the sum of $4 per day for forty-two days' services as assistant journal clerk of the Senate.

Sec. —. That A. F. Shortridge be allowed the sum of $4 per day for sixty-one days' services rendered as Principal Doorkeeper of the Senate during the present session.

Sec. —. That John Osborn be allowed the sum of $3 per day for sixty-one days' services as Assistant Doorkeeper of the Senate during the present session.

Sec. —. That John Lenihan be allowed the sum of $25 for lighting the hall and attending on the committee on education during the extra session of the Legislature.

Sec. —. That Messrs. Cameron & McNeely be allowed the sum of $7 50 for publishing a list of the Senate acts of the special session of the Legislature.

SEC. — . That Messrs. J. & J. Bradshaw be allowed the sum of $7 20 for sundries furnished for the use of the Senate.

SEC. —. That Messrs. Merrill & Co. be allowed the sum of $16 25 for sundries furnished for the use of the Senate.

SEC. —. That John Ott be allowed the sum of $1 for a lock furnished the Senate.

SEC. —. That Montgomery Marsh be allowed the sum of $6 for two days' services during the extra session of the Legislature, as Assistant Doorkeeper.

SEC. —. That F. Smith be allowed the sum of $6 for two days' services at the beginning of the regular session of the Legislature.

SEC. —. That N. L. Wilson be allowed the sum of $6 for two days' services at the beginning of the extra session of the Legislature.

SEC. —. That A. A. Scott be allowed the sum of $15 for five cords of wood furnished for the use of the Senate.

SEC. —. That John W. Cooper be allowed the sum of $2 30, money expended in going to Ogden, in pursuance of the order of the Senate.

SEC. —. That J. Conley be allowed the sum of $2 15 for money paid for conveyance to Insane Hospital.

SEC. —. That G. D. Wagner be allowed the sum of $1 50 for conveyance to the Deaf and Dumb Asylum, as member of the committee on benevolent institutions.

SEC. —. That E. D. Arnold be allowed the sum of $3 per day for two days' services attending furnace the present session of the General Assembly.

SEC. —. That Pat. McLaughlin be allowed the sum of $72 for extra services for thirty-six days during the extra session of the General Assembly in the State Library, and also five weeks work on the catalogue of the library during the present session.

SEC. —. That John S. Conger be allowed the sum of $4 per day for thirteen days' services rendered the Principal Secretary of the Senate during the present session.

SEC. —. That C. F. Nixon be allowed the sum of $4 per day for forty-eight days' services rendered the Principal Secretary of the Senate, during the present session.

SEC. —. That H. Havern be allowed the sum of $4 per day for twenty-five days' services rendered the Principal Secretary of the Senate, during the present session.

SEC. —. That S. M. Gibbs be allowed the sum of $6 for two days' services during the extra session of the Legislature.

SEC. —. That John Cooper be allowed the sum of $6 for two days' services at the beginning of the extra session.

SEC. —. That Richard Henninger be allowed the sum of $79 20 for furnishing one hundred and sixty-five copies of the Indiana Free Press, stamped and enveloped, for use of the Senate.

SEC. —. That John Ott be allowed the sum of $800 for fifty

writing desks, and the same number of chairs, furnished for the use of the Senate during the present session.

SEC. —. That Joseph Curzon be allowed the sum of $940 40 for heating and ventilating Senate Chamber, &c., during the present session.

SEC. —. That James H. Vawter, Principal, and James N. Tyner, Assistant Secretary of the Senate, be allowed the sum of $4 per day each, for sixty-one days' services each, as such Secretaries during the present session of the General Assembly.

SEC. —. That James H. Vawter and James N. Tyner be allowed the further sum of $150 for preparing the index and superintending the printing of the Senate Journal of the present session.

SEC. —. That Jonathan Payne, assistant reading secretary, be allowed the sum of $4 per day for sixty-one days' services as such secretary, during the present session.

SEC. —. That Benjamin F. Wallace, registering secretary, be allowed the sum of four dollars per day for sixty-one days' services, during the present session.

SEC. —. That George R. Bearss, engrossing clerk of the Senate, be allowed the sum of four dollars per day for sixty-one days' services, during the present session.

SEC. —. That H. C. Gooding, engrossing clerk, be allowed the sum of four dollars per day for sixty-one days' services, during the present session.

SEC. —. That John Cooper be allowed the sum of three dollars per day for sixty-one days' services, as assistant doorkeeper of the Senate.

SEC. —. That Montgomery Marsh be allowed the sum of three dollars per day for sixty-one days' services, as assistant doorkeeper of the Senate.

SEC. —. That Charles Murray be allowed the sum of three dollars per day for sixty-one days' services rendered, as assistant doorkeeper of the Senate.

SEC. —. That H. T. Vawter be allowed the sum of three dollars per day for sixty-one day ' services, rendered as principal doorkeeper of the Senate.

SEC. —. That James Newbanks be allowed the sum of three dollars per day for sixty one days' services, as fireman in the Senate during the present session.

SEC. —. That Edward Volentine be allowed the sum of three dollars per day for sixty-one days' services, rendered as fireman in the Senate during the present session.

SEC. —. That Wm. C. Smith be allowed the sum of three dollars per day for forty days' services rendered the principal doorkeeper of the Senate.

SEC. —. That S. G. Thompson be allowed the sum of three dollars per day for sixty-one days' services, rendered the principal doorkeeper of the Senate.

SEC. —. That S. M. Gibbs be allowed the sum of three dollars

per day for sixty-one days' services, rendered the principal doorkeeper of the Senate.

SEC. —. That A. F. Shortridge be allowed the sum of seventeen dollars and seventy cents, for services rendered swamp land commissioners in serving summons.

SEC. —. That James H. Vawter be allowed the sum of three dollars and fifty cents, for postage paid in mailing temperance bill, &c.

SEC. —. That W. H. Drapier be allowed the sum of ninety-one dollars and sixty-six cents, for services rendered in taking the testimony before the investigating committee, in regard to the difficulty between Senators Heffren and Gooding.

SEC. —. That A. E. Drapier and Son be allowed the sum of six hundred dollars, for six hundred copies of the Legislative reports.

SEC. —. That Stewart & Bowen be allowed the sum of twelve dollars and ninety-one cents, for stationery &c., furnished the bank fraud investigating committee.

SEC. —. That Spiegal & Thoms be allowed the sum of twelve dollars, for five tables furnished for the use of the Senate.

SEC. —. That Tousey & Byram be allowed the sum of eight dollars and fifty-two cents, for muslin, etc., furnished for the use of the Senate.

SEC. —. That William Lipper be allowed the sum of thirty dollars, for cleaning spittoons sixty days.

SEC. —. That Gatewood Ellison be allowed the sum of fifteen dollars, for cleaning spittoons thirty days, at the extra session of the Legislature.

SEC. —. That John Wertz be allowed the sum of eighty-eight dollars, for services rendered and money paid in arresting one John Mathias, a fugitive from justice.

SEC. —. That William Leach be allowed the sum of one hundred and thirty-five dollars, for forty-five cords of wood, furnished for the use of the Senate.

SEC. —. That George H. Cleary be allowed the sum of sixteen dollars, for repairing and fitting up gas pipes in the Senate Chamber.

SEC. —. That the Indiana State Sentinel Company be allowed the sum of three hundred and ninety-two dollars for one hundred and sixty copies of the Daily Sentinel, one hundred and ten copies of which were wrapped and stamped.

SEC. —. That the Indianapolis Journal Company be allowed the sum of three hundred and ninety-two dollars, for one hundred and sixty-five copies of the Daily Journal, one hundred and ten copies of which were wrapped and stamped.

SEC. —. That Julius Bœtticher be allowed the sum of seventy-nine dollars and twenty cents, for one hundred and sixty-five copies of the Weekly Volksblatt, enveloped and stamped.

SEC. —. That R. L. & A. W. McOuat be allowed the sum of one hundred and twenty-eight dollars and ninety-five cents, for stoves, pipes, zinc, coal hod, bucket, dipper, &c., &c., furnished the Senate.

Sec. —. That Frederick Burgtorf be allowed the sum of twenty-eight dollars and forty cents, for repairs &c., in and about the Senate Chamber.

Sec. —. That John Osborn be allowed the sum of one dollar and five cents, for drayage &c., at the extra session of the Legislature.

Sec. —. That F. Irwin be allowed the sum of fourteen dollars and ninety cents, for attending as a witness before the bank fraud investigating committee.

Sec. —. That Delzell & Tyler be allowed the sum of three dollars and fifty cents, for two blank books, furnished for the use of the Senate.

Sec. —. That Delzell & Tyler be allowed the sum of five dollars for enveloping and twine for two hundred binders, for documents sent by mail, &c.

Sec. —. That D. M. Tilton be allowed the sum of six dollars, for services as doorkeeper at the extra session of the Legislature.

Sec. —. That Frederic Burgtorf be allowed the sum of thirty-five dollars, for repairs and materials furnished for the same in and about the Senate Chamber.

Sec. —. That Henry M. Wright be allowed the sum of one hundred and twenty-six dollars and seventy-five cents, for services and money paid out and expended in pursuing and capturing one John Riley, a fugitive from justice from Carroll county Indiana, charged with murder.

Sec. —. That George W. Randall be allowed the sum of forty-two dollars, for fourteen days as assistant sergeant at arms, before the bank fraud investigating committee.

Sec. —. That J. E. Wilson be allowed the sum of twelve dollars and fifty cents, for money paid John L. Spann, for services as a witness before the bank fraud investigating committee.

Sec. —. That David C. Shanks be allowed the sum of forty-eight dollars, for services rendered as assistant sergeant at arms before the bank fraud investigating committee.

Sec —. That Henry M. Graham, of the county of Carroll, be allowed the sum of thirty dollars, for services rendered in arresting and bringing to justice one Edward Day, charged with horse stealing.

Which report was concurred in.

The question being, shall the amendments be adopted?

It was agreed to.

Mr. Brown moved to amend the bill by adding the following sections:

Sec. —. That there be allowed to James Davis, of St. Joseph county, twenty-five dollars for prosecuting the pleas of the State at the October term of the circuit court of said county 1858.

Sec. —. That there be allowed to Reuben F. Farnsworth fifty

dollars for prosecuting the pleas of the State at the April term, 1858, of St. Joseph circuit court, in the case of the State against John McIntosh for murder.

Which was agreed to.

Mr. Wagner moved to amend by adding the following section:

SEC. —. That Kline G. Shryock and Hugh Miller be allowed the sum of one hundred dollars each, for counsel fees in the Senate contested election in their case.

Which was agreed to.

Mr. Bobbs moved to amend the bill by adding the following section:

SEC. —. That John E. Foudray be allowed the sum of one hundred and eighty-eight dollars, the actual expenses in going to Kansas and arresting Henry Brooklocker, a fugitive from justice, upon a requisition of the Governor. .

Which was agreed to.

Mr. Weir moved to amend the bill by giving all assistant doorkeepers four dollars per day each.

Mr. Johnston moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Johnston and Turner,

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Cobb, Conner, Culver, Hamilton, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, O'Brien, Odell, Robinson, Shoemaker, Tarkington, Thompson, Turner, Williams and Wilson —29.

Those who voted in the negative were,

Messrs. Anthony, Bobbs, Cravens, Craven, Gooding, McClure, Rice, Slack, Steele, Stevens and Weir—11.

So the amendment was laid on the table.

Mr. Murray moved to amend the bill by adding the following section:

SEC. —. That Hiram Lindley be allowed three dollars per day for seven days' services, as clerk of the investigating committee on the difficulty in the Senate between Messrs. Heffren and Gooding.

Which was agreed to.

Mr. Heffren moved to amend the bill by striking out four dollars per day, as the pay of the principal doorkeeper, and insert three dollars.

The ayes and noes being demanded by Senators Johnston and Heffren,

Those who voted in the affirmative were,

Messrs. Anthony, Carnahan, Cobb, Conley, Conner, Green, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, O'Brien, Odell, Robinson, Studabaker, Thompson, Williams and Wilson—24.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Cravens, Craven, Culver, Hamilton, Hendry, Hill, Kinley, Miller, Shoemaker, Slack, Steele, Stevens, Turner, Wagner and Weir—20.

So the amendment was adopted.

Mr. Murray moved to amend by adding the following section to the bill:

SEC. —. That D. O. Dailey be allowed the sum of three dollars per day for forty-eight days' attendance at the session of the Senate of 1857, as contestant of the seat of Leroy Woods, as Senator from the county of Clark, and the usual mileage of a member.

Mr. Johnston moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Johnston and McClure,

Those who voted in the affirmative were,

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Williams and Wilson—21.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Culver, Gooding, Green, Heffren, Hill, Miller, Murray, Rice, Steele, Stevens, Tarkington, Thompson, Turner, Wagner and Weir —23.

So the amendment was not laid on the table.

The question recurred, shall the amendments be adopted?

The ayes and noes being demanded by Senators Carnahan and Bennett,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Green, Heffren, Hendry, Hill, Miller, Murray, Rice, Stevens, Tarkington, Thompson, Turner, Wagner and Weir—22.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Hamilton, Hargrove, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, O'Brien, Odell, Robinson, Shoemaker, Slack, Studabaker, Williams and Wilson—21.

So the amendment was adopted.

Mr. Stevens moved to amend the bill by adding the following section:

SEC. —. That the sum of $25 be paid to William Meyer for arresting and bringing to justice Leander McKinney, a fugitive from the same.

Which was agreed to.

Mr. Anthony moved to amend the bill by "appropriating $10,000 for the purpose of making improvements and additions to the State Prison, to be expended under the direction of the Directors."

Which was agreed to.

Mr. Anthony moved to amend the bill by adding "an appropriation of $500 for the purpose of purchasing a township library for the use of the State Prison, to be expended under the direction of the Superintendent of Public Instruction."

Which was agreed to.

Mr. Craven moved to amend the bill by "allowing John Osborne and Montgomery Marsh each $3 for one day's service in putting the Senate Chamber in repair for the present session."

Which was agreed to.

On motion by Mr. Murray,

The Senate adjourned.

7 o'clock, p. m.

The Senate met.

The Senate resumed the consideration of House bill No. 341, "a bill making specific appropriations for the year 1859," pending at adjournment.

Mr. Rice moved to amend the bill by adding the following section:

Sec. —. That Ellis Barnes be allowed the sum of $9 for three days' services for committee on printing.

Sec. —. That W. C. Tarkington be allowed the sum of $25, D. E. Anthony the sum of $15, and D. S. Gooding the sum of $25 for *per diem* and mileage in visiting State Prison during the vacation of the General Assembly.

Which was agreed to.

Mr. Heffren moved to amend the bill by striking out "two" and inserting "three" in the 48th section.

Which was agreed to.

On motion by Mr. Anthony,

The Senate passed informally over the bill.

Leave being granted,

Mr. Anthony, from the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred House bill No. 94, "a bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852, have had the same under consideration and directed me to report the same back with the following amendments, and when so amended recommend its passage:

Move to amend as follows:

In 7th line of 1st section strike out the words "the real or personal property," and insert in its place "all of his or her real estate."

In the 10th line, between the words "credit and choses," and insert the word "and."

In the 11th line of 5th section strike out the words "and effects."

In the 19th and 20th lines of said section strike out the words, "of all the property of any kind whatever," and insert in their place

the following words, "of all such property as required by this act to be set out in the said inventory."

Which report was concurred in and the amendments adopted.

Mr. Anthony moved to read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Cravens, Craven, Gooding, Hargrove, Heffren, Hill, Jennings, Line, McLean, Murray, Rice, Robinson, Shoemaker, Stevens, Studabaker, Tarkington, Turner, Wagner and Wilson—26.

Those who voted in the negative were,

Messrs. Conner, Green, Hamilton, Johnston, Jones, Lomax, McClure, March, Weir and Williams—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. March, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred House bill No. 178, "a bill fixing the time of holding courts of common pleas and the length of terms thereof in the county of Blackford, and repealing all laws in conflict herewith," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage with the following amendments:

Insert after the first section the following:

Sec. —. That the court of common pleas in the county of Delaware for the years 1859 and 1860 shall commence on the first Monday in January, April, July and October of each year, and shall sit two weeks each term if the business require it.

Also insert in the first section the following after the word "Blackford," "for the year 1859 and 1860."

Which report was concurred in and the amendments adopted.

Mr. March moved to consider the amendments as engrossed and read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Kinley, Line, Lomax, McClure, McLean, March, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. March moved to amend the title as follows:

A bill fixing the time of holding the courts of common pleas and the length of terms thereof in the counties of Delaware and Blackford for the years 1859 and 1860, and repealing all laws in conflict therewith.

Which was agreed to.

On motion by Mr. Robinson,

A re-count was ordered on House bill No. 147.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Cobb, Cravens, Craven, Gooding, Green, Hamilton, Heffren, Hill, Kinley, Line, McClure, McLean, March, O'Brien, Rice, Robinson, Steele, Stevens, Tarkington, Weir and Wilson—26.

Those who voted in the negative were,

Messrs. Beeson, Carnahan, Hargrove, Johnston, Lomax, Murray, Studabaker and Williams—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Heffren, from a select committee, made the following report:

Mr. President:

The select committee to whom was referred House bill No. 281, being "a bill providing for the incorporation of canal companies," have had the same under consideration and have directed me to report the same back to the Senate and recommend its passage.
Which report was concurred in.

Mr. Conley moved to read the bill a third time.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Hill, Kinley, Line, McClure, McLean, March, Miller, Murray, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Wagner and Williams—31.

Those who voted in the negative were,

Messrs. Blair, Gooding, Johnston, Lomax, O'Brien, Robinson and Williams—8.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Wagner,
The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following concurrent resolution of the Senate, to-wit:

Resolved, That the Senate will, the House concurring therein, adjourn *sine die* on Monday, March 7th, at 5 o'clock, P. M., of said day, and that the Senate will, the House concurring, continue to pass

bills, if the files are not clear, until Saturday, March 5th, 4½ o'clock, P. M.

With the following amendment:

Amend by striking out of the last line the words and figures, "4½ o'clock, P. M."

In which the concurrence of the Senate is respectfully requested.

Mr. Wagner moved to concur in the amendments of the House to the resolution contained in the foregoing message.

Which was agreed to.

On motion by Mr. Studabaker,

House bill No. 228. A bill to provide for the collection of the surplus revenue fund belonging to the counties of Dekalb, Lake and Wells on loan at the State Treasury, and for the payment of said fund over to the treasuries of said counties.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Blair, Bobbs, Brown, Cobb, Conner, Cravens, Craven, Green, Hamilton, Heffren, Hill, Jennings, Johnston, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Studabaker, Thompson, Turner, Wagner, Weir, Williams and Wilson—36.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Carnahan, Conley, Culver, Gooding, Jones, Stevens and Tarkington—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Gooding,

The following message from the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 35. An act to regulate and license the sale of

spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof.

In which the concurrence of the Senate is respectfully requested.

Mr. Cravens moved to suspend the rules and read House bill No. 35, contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Cobb, Conley, Conner, Cravens, Culver, Gooding, Green, Hamilton, Hargrove, Hill, Jennings, Jones, Kinley, Line, McLean, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Stevens, Studabaker, Turner, Weir, Williams and Wilson—34.

Those who voted in the negative were,

Messrs. Carnahan, Craven, Heffren, Johnston, Lomax, McClure and March—7.

So the rules were suspended and the bill was read a first time by its title.

The rules being suspended,
Mr. Cravens moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

The rules being suspended,
Mr. Cravens moved that the bill be read a third time now.
Which was agreed to, and
The bill was read a third time.

Mr. Gooding moved the previous question;
Which was seconded by the Senate.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Brown, Cobb, Conley, Cravens, Culver, Gooding, Green, Hargrove, Hendry, Line, McLean, Miller, Murray, O'Brien, Odell, Rice, Slack, Studabaker, Tarkington, Thompson, Turner, Weir, Williams and Wilson—25.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Conner, Craven, Heffren, Hill, Jones, Kinley, Lomax, McClure, March, Robinson, Stevens and Wagner—16.

So the bill did not pass.

Mr. Craven moved a re-count.
Which was agreed to.

The question recurred, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Brown, Carnahan, Cobb, Conley, Cravens, Culver, Gooding, Green, Hargrove, Hendry, Jones, Line, McLean, Miller, Murray, O'Brien, Odell, Rice, Slack, Steele, Studabaker, Tarkington, Thompson, Turner, Weir, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Conner, Craven, Heffren, Hill, Kinley, Lomax, McClure, Robinson, Shoemaker, Stevens and Wagner—14.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Gooding moved to amend the title of the bill by adding the following thereto:
"And prescribing what court shall have jurisdiction to try and determine prosecutions for the violations of the provisions of this act."
Which was not agreed to.

Mr. Bennett moved to amend the title so as to read as follows:
"A bill to legalize drunkenness and crime, and render the same uniform."

Mr. Cravens moved to lay the amendment on the table.

The ayes and noes being demanded by Senators Beeson and Bennett,

Those who voted in the affirmative were,

Messrs. Anthony, Brown, Carnahan, Cobb, Conley, Cravens, Craven, Culver, Gooding, Green, Hamilton, Hargrove, Hendry, Jones,

Kinley, Line, Lomax, McClure, McLean, Miller, Murray, O Brien, Odell, Rice, Slack, Studabaker, Turner, Weir and Wilson—29.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Conner, Heffren, Hill, March, Robinson, Stevens and Wagner—10.

So the amendment was laid on the table.

Mr. Weir moved a re-count on House bill No. 193.

Mr. Tarkington moved to lay the motion for a re-count on the table.

The ayes and noes being demanded by Senators Weir and Tarkington,

Those who voted in the affirmative were,

Messrs. Anthony, Carnahan, Cobb, Conner, Cravens, Green, Hargrove, Hendry, Hill, Johnston, Lomax, March, Rice, Robinson, Shoemaker, Steele, Tarkington, Thompson, Turner, Wagner and Wilson —21.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conley, Craven, Culver, Gooding, Hamilton, Heffren, Jennings, Jones, Kinley, Line, McClure, McLean, Miller, Murray, O'Brien, Odell, Slack, Studabaker, Weir and Williams—25.

So the motion was not laid on the table.

The question recurred, shall a re-count be had on the passage of the bill?

It was not agreed to.

HOUSE BILLS ON THEIR THIRD READING.

House bill No. 3. A bill to amend section 302 of "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases, also to allow defendants to testify in certain actions brought by assignees when the assignor testifies,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Gooding, Green, Hargrove, Jennings, Jones, Kinley, McLean, March, Miller, Murray, Odell, Rice, Steele, Studabaker, Tarkington, Turner and Wagner—28.

Those who voted in the negative were,

Messrs. Beeson, Hamilton, Hill, Johnston, Line, Lomax, McClure, O'Brien, Robinson, Williams and Wilson—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 77. A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and to repeal all former laws conflicting therewith,

Was taken up and laid on the table.

House bill No. 89. A bill to amend the third section of "an act to incorporate the town of Peru," approved February 14, 1848,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Culver, Green, Hamilton, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 117. A bill to amend section 15, and to repeal sections 27 and 28, inclusive, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852, so as to give boards of county commissioners jurisdiction

as to the change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees, under said sections so repealed, to the board of county commissioners, and providing for the disposition thereof,

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Green, Hamilton, Hargrove, Hill, Johnston, Jones, Kinley, Line, Lomax, McLean, March, Miller, Murray, Odell, Rice, Robinson, Shoemaker, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—36.

Senator Blair voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,

Mr. Line, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred House bill No. 144, "a bill to authorize railroad companies to issue bonds, fix the value of interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchaser or purchasers; to provide for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities," have had the same under consideration, and have amended it agreeably to the instructions of the Senate to-day, and recommend its passage with said amendments.

Which report was concurred in, and the amendments adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Cravens, Hamilton, Heffren, Jennings, Line, McLean, Odell, Rice, Steele, Stevens, Tarkington, Turner, Wagner and Weir—17.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Cobb, Conley, Conner, Cravens, Culver, Green, Hargrove, Johnston, Jones, Kinley, Lomax, McClure, March, Murray, O'Brien, Robinson, Studabaker, Williams and Wilson—23.

So the bill did not pass.

Mr. Heffren moved to suspend the order of business, and take up the bill making specific appropriations for the year 1859.

The ayes and noes were demanded by Senators Wagner and Heffren.

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Conley, Cravens, Craven, Gooding, Hamilton, Heffren, Jennings, Kinley, Line, Lomax, McClure, McLean, Murray, O'Brien, Odell, Rice, Stevens, Studabaker, Tarkington and Weir—23.

Those who voted in the negative were,

Messrs. Blair, Brown, Carnahan, Cobb, Culver, Green, Hargrove, Johnston, Jones, March, Robinson, Steele, Turner, Wagner, Williams and Wilson—16.

So the order of business was suspended, and

House bill No. 341. A bill making specific appropriations for the year 1859,
Was taken up and read a third time.

Mr. Craven moved to recommit the bill with instruction to strike out all that portion of the bill which relates to the appropriation for building, improving and repairing the State prison.

Mr. Anthony moved to lay the motion to recommit on the table.
Which was agreed to, and the motion was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Conley, Craven, Hamilton, Heffren, Kinley, Line, Lomax, McClure, McLean, Murray, Odell, Rice, Stevens, Studabaker, Tarkington, Turner, Wagner and Weir—21.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Cobb, Conner, Cravens, Culver, Gooding, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Jones, March, Miller, O'Brien, Robinson, Steele, Williams and Wilson—23.

So the bill did not pass.

Mr. Conner moved to reconsider the vote on the passage of the bill.

Which was agreed to.

Mr. Conner moved to recommit the bill to the committee on finance with instructions to strike out "ten thousand dollars," appropriated for the State prison.

Mr. Tarkington moved to lay the motion to recommit on the table.

Which was agreed to.

The question recurred, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Conley, Cravens, Gooding, Hamilton, Heffren, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, Odell, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir and Wilson—27.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Blair, Carnahan, Cobb, Conner, Craven, Culver, Green, Hargrove, Hendry, Hill, Jennings, Johnston, Miller, O'Brien and Williams—17.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

HOUSE BILLS ON THEIR THIRD READING.

House bill No. 149. A bill amendatory of "an act concerning the partition of lands," approved May 20, 1852, to amend sections 11 and 18 thereof,

Was read a third time and laid on the table.

House bill No. 324. A bill to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford in Ohio county.

Was read a first time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cravens, Craven, Green, Hargrove, Hendry, Hill, Jones, Kinley, Lomax, McClure, McLean, March, Miller, Murray, Rice, Robinson, Shoemaker, Tarkington, Turner and Wagner—28.

Those who voted in the negative were,

Messrs. Conley, Heffren, Line, Odell, Weir, Williams and Wilson —7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 152. A bill to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for admissibility in evidence of the same, or copies thereof.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Gooding, Green, Hamilton, Hendry, Hill, Johnston, Jones, Line, Lomax, McClure, McLean, March, Murray, Odell, Rice, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—33.

Senator Hargrove voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 165. A bill to amend the 18th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Green, Hamilton, Hendry, Hill,

Johnston, Jones, Line, Lomax, McLean, March, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner and Weir—31.

Those who voted in the negative were,

Messrs. Culver, Hargrove and McClure—3

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 173. A bill to amend the 11th section of "an act for the incorporation of manufacturing and mining companies and companies for mechanical and building purposes.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Blair, Bobbs, Brown, Cravens, Hamilton, Hendry, Hill, Jones, Lomax, Murray, Robinson, Shoemaker, Steele, Turner and Weir—15.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Bennett, Carnahan, Cobb, Conley, Conner, Gooding, Green, Hargrove, Johnston, McClure, McLean, March, Rice, Stevens, Studabaker, Tarkington, Wagner and Wilson —20.

So the bill did not pass for the want of a constitutional vote.

On motion by Mr. Conner,

The following message of the House was taken up.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, with sundry engrossed amendments thereto, to-wit:

Senate bill No. 263. A bill fixing the time of holding the court of common pleas in the county of Wabash, and the length of the terms thereof.

Insert in the proper place, "until the first day of October, 1860, at which time this act shall cease to have any effect."

Senate bill No. 251. An act supplemental to an act entitled, "an act fixing the time of holding courts in the Eleventh Judicial Circuit and prescribing the length thereof in each county thereof," approved January, 1859.

Add in the 18th section, after the word "fall" the following, to-wit: "To continue three weeks if the business thereof shall require it."

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Conner,

The engrossed amendments of the House to Senate bills Nos. 263 and 251, contained in the foregoing message, were concurred in.

House bill No. 188. A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855, providing for additional sureties in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cravens, Craven, Green, Hendry, Hill, Johnston, Jones, Line, McLean, March, Murray, Rice, Shoemaker, Steele, Stevens, Tarkington, Turner, Wagner, Weir and Williams—26.

Those who voted in the negative were,

Messrs. Bennett, Carnahan, Cobb, Conley, Gooding, Hargrove, Lomax, McClure, Robinson, Studabaker and Wilson—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 201. A bill to amend the 78th section of "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," so as to amend an error in said section defining the boundaries and defining the jurisdiction of the county of Sullivan.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Cobb, Conley,

Conner, Cravens, Green, Hargrove, Hendry, Hill, Johnston, Jones, Line, Lomax, McClure, McLean, March, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—34.

Senator Beeson and Carnahan voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 198. A bill to prohibit the owner or owners, or those having the management of certain stock from allowing the same to run at large, and prescribing penalties therefor,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Brown, Conner, Cravens, Hendry, Murray, Turner, Wagner and Weir—12.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Carnahan, Cobb, Conley, Gooding, Green, Hargrove, Hill, Johnston, Jones, Line, Lomax, McClure, McLean, Miller, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Williams and Wilson—26.

So the bill did not pass.

House bill No. 204. A bill prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons in their respective townships, and prescribing the duties of county auditors, and of the Auditor of State in relation thereto,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Green, Hendry, Hill, Jennings, Johnston, Jones, Line, McLean, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Turner, Wagner and Weir—28.

Those who voted in the negative were,

Messrs. Bennett, Blair, Hargrove, Lomax, McClure, March, Miller, Studabaker and Wilson—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 203. A bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Conner, Cravens, Green, Hendry, Hill, Jennings, Johnston, Jones, McClure, McLean, March, Miller, Murray, O'Brien, Rice, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Weir and Wilson—28.

Those who voted in the negative were,

Messrs. Bennett, Carnahan, Cobb, Culver, Hargrove, Line, Lomax, Robinson, Wagner and Williams—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 206. A bill to amend the 26th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor,"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Green, Hargrove, Hendry, Hill, Jennings, Jones, Line, Lomax, McLean, March, Murray, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Turner, Wagner, Weir and Williams—33.

Those who voted in the negative were,

Messrs. Culver, Gooding, Heffren, McClure, O'Brien, Tarkington and Wilson—7.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 208. A bill to provide for the case of removal from office, death, resignation or inability both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bobbs, Carnahan, Cobb, Conley, Gooding, Hargrove, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Weir, Williams and Wilson—26.

Those who voted in the negative were,

Messrs. Anthony, Beeson, Blair, Brown, Conner, Cravens, Craven, Culver, Green, Hendry, Hill, Turner and Wagner—13.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 218. A bill to fix the times for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Craven, Gooding, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Tarkington, Turner, Wagner, Weir, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 226. A bill to amend section eight of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Bobbs, Brown, Conner, Gooding, Green, Hargrove, Heffren, Hill, Jennings, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Rice, Steele, Stevens, Studabaker, Turner and Weir—26.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conley, Craven, Jones, Shoemaker, Tarkington, Wagner, Williams and Wilson—10.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 233. A bill to amend section three of an act entitled "an act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852,

Was read a third time, and laid on the table.

House bill No. 245. A bill to authorize deeds and mortgages heretofore acknowledged before county auditors to be recorded, and authorizing the same, and also, the record thereof to be read in evidence, making such record notice to third persons, and making such conveyance valid,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Conner, Cravens, Craven, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—38.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 253. A bill to provide for transferring real estate for taxation on the books of county auditors and preserving the chain of title thereof in the recorders office in certain cases therein provided for,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conley, Cravens, Green, Hargrove, Heffren, Hendry, Hill, Jennings, Johnston, Jones, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—39.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

House bill No. 293. A bill fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Brown, Conner, Cravens, Craven, Green, Hargrove, Heffren, Hendry, Hill, Johnston, Jones, Line, Lomax, McClure, March, Murray, Rice, Robinson, Shoemaker, Stevens, Turner, Wagner, Williams and Wilson—28.

Those who voted in the negative were,

Messrs. Carnahan, Odell, Studabaker, Tarkington and Weir—5.

Messrs. Anthony, Jennings and Miller were present and not voting.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

A message from the Governor, by Mr. Osborne, Executive Messenger:

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

Senate bill No. 77. An act to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof." approved May 6, 1852.

Senate bill No. 224. An act authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads.

House bill No. 72. An act to amend sections one and two of 'an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State,' approved March 1, 1853, and to provide for the manner of the service of process.

House bill No. 328. An act to amend the 143d section of an act entitled "an act to provide for the valuation and assessments of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

House bill No. 104. An act to amend sections one, seven and twelve of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852, and supplemental thereto.

Senate bill No. 142. An act to amend the sixth, eighth, ninth, and fourteenth sections of an act entitled "an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1858; also defining the duties of appraisers and deputy appraisers and the auditor of State.

Senate bill No. 246. An act providing for the appropriation of a sum not exceeding five hundred dollars from the State Treasury to aid the Indiana Historical Society.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed following engrossed bills of the Senate, without amendment:

Senate bill No. 106. A bill to provide for the relief of purchasers of real estate at sheriffs' sales, under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the revised statutes of 1852 took effect, and where such sureties, being the owners of such real estate had sold.

Senate bill No. 153. A bill to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in Senate amendments to the following bills of the House:

House bill No. 178. A bill fixing the time of holding courts of common pleas, and the length of terms thereof in the county of Blackford, and repealing all laws in conflict therewith.

House bill No. 147. A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates therefor.

House bill No. 94. A bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

House bill No. 338. A bill making general appropriations for the years 1859 and 1860.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment:

Senate bill No. 156. A bill authorizing the purchasers of railroad, plank roads, turnpike roads, and McAdamized roads, or parts thereof, under mortgage sale or sales made according to the terms of deeds of trust, to organize an incorporated company, and prescribing their powers and duties.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled House bill No. 344.

The President and Secretary signed the bill.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, without amendment, to-wit:

Senate bill No. 163. A bill relinquishing to William English, of Dearborn county, the interest acquired by the State of Indiana by escheat, in and to in-lot No. 33, in Rossville, in said county.

Senate bill No. 206. An act to amend section four of an act entitled "an act concerning real property and the alienation thereof," approved May 6th, 1852.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, without amendment:

Senate bill No. 254. A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, so as to provide for the levy of township taxes for the year 1859, at the June term of the county board.

Senate bill No. 262. A bill to provide for the printing and binding of two thousand copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof, enrolled bills of the House Nos. 72, 104, 339 and 328.

The President and Secretary signed the bills.

A message from the House by Mr. Ryan, its clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, without amendment, to-wit:

Senate bill No. 257. A bill for the relief of the lessees from the State, of the water power and other privileges on the northern division of the Central Canal, authorizing suits upon the bond of Francis A. Conwell and others, for their benefit, and to subject the property conveyed to said Conwell by the State to the payment of the damages sustained by said lessees, their heirs, executors, administrators and assigns, by breach of the conditions of said bond.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, without amendment:

Senate bill No. 129. An act declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor.

Senate bill No. 103. A bill to prohibit the collection of tolls on gravel, turnpike, McAdamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith.

Senate bill No. 79. An act to extend the time of payment to purchasers of saline and school lands.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills respectfully report that they have compared the engrossed with the enrolled copies of the following bills and find the same to be correctly enrolled:

Senate bill No. 77. A bill to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof"
Also,
Senate bill No. 142. A bill to amend the 6th, 8th, 9th and 14th sections of an act entitled "an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation there-

to," approved December 21, 1858; also defining the duties of appraisers and deputy appraisers, and the Auditor of State. Also,

Senate bill No. 224. A bill authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads. Also,

Senate bill No. 63. A bill to amend the 5th section of an act entitled "an act to provide for the equalizing the appraisements of the real property of the State of Indiana," approved May 28, 1852. Also,

Senate bill No. 178. A bill providing for the election or appointment of supervisors of highways and prescribing their duties and those of county and township officers in relation thereto. Also,

Senate bill No 183. A bill in relation to the partition of real estate. Also,

Senate bill No. 246. A bill authorizing the Treasurer of State to pay out moneys to aid the Indiana Historical Society, and to provide checks and restrictions in the payment of the same. Also,

Senate bill No. 258. A bill to amend the 4th section of an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violations of this act," approved February 26, 1857. Also,

Senate bill No. 201. A bill to require surviving partners to give bond, file inventories and make report of their proceedings to the court having jurisdiction of decedent's estate. Also,

Senate bill No. 262. A bill to provide for the printing and binding of two thousand copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same.

On motion by Mr. Conner,
The Senate adjourned.

SATURDAY MORNING, 9 o'clock,
March 5, 1859.

The Senate met.

The reading of the Journal of yesterday was dispensed with.

Mr. Blair, from the committee on finance, made the following report:

Mr. President:

The committee on finance to whom was referred House bill No. 167, "a bill to provide for the fees of sheriffs in conveying convicts to the State Prison and providing punishments for the violations thereof, and to repeal all laws in conflict herewith," have had the same under consideration and have directed me to report it back and recommend its passage.

Which report was concurred in.

Mr. Weir moved to read the bill a third time now.

Which was agreed to, and

The bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Gooding, Green, Hamilton, Hargrove, Heffren, Jennings, Johnston, Jones, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Stevens, Studabaker, Turner, Wagner, Williams and Wilson—35.

Senator Weir voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Brown,

Senate bill No. 149. A bill for the organization of the militia of the State of Indiana; classifying the same into active and sedentary; requiring the assessment of a tax for its support; prescribing the duties of officers, civil and military, in connection therewith, and repealing all former acts upon this subject,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bobbs, Brown, Carnahan, Gooding, Green, McLean, O'Brien, Odell, Rice, Slack, Stevens, Studabaker, Wagner, Weir and Wilson—16.

Those who voted in the negative were,

Messrs. Bennett, Blair, Conner, Hamilton, Hargrove, Heffren, Jennings, Line, McClure, March, Miller, Murray, Robinson, Steele, Tarkington, Turner and Williams—17.

So the bill did not pass.

On motion by Mr. Bennett,
The following message of the House was taken up.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 322. A bill authorizing the State Board of Agriculture to cause a geological reconnoisance of the State to be made, to make collections and analysis of specimens and making appropriations therefor.
In which the concurrence of the Senate is respectfully requested.

Mr. Murray moved to suspend the rules and read House bill No. 322, contained in the foregoing message, a first time by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Cooper, Cravens, Gooding, Green, Hamilton, Heffren, Jennings, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—37.

Senator Hargrove voting in the negative.

So the rules were suspended, and the bill was read a first time by its title.

The rules being suspended,
Mr. Murray moved to read the bill a second time now by its title.
Which was agreed to, and
The bill was read a second time by its title.

The rules being suspended,
Mr. Murray moved to read the bill a third time now.
Which was agreed to, and
The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Green, Hamilton, Heffren, Hill, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Turner, Wagner, Weir and Williams—34.

Senators Hargrove and Wilson voting in the negative.

So the bill passed.

Odered, That the Secretary inform the House thereof.

On motion by Mr. McClure,

House bill No. 258. A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and connecting roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed,' approved February 23, 1853,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair. Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Slack, Steele, Stevens, Studabaker, Turner, Wagner, Weir, Williams and Wilson—37.
Senator Anthony voting in the negative.

So the bill passed.

Odered, That the Secretary inform the House thereof.

On motion by Mr. McClure,

House bill No. 262. A bill to repeal "an act to prevent railroad

companies from changing their depots, except on conditions therein named," approved March 4, 1853,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bobbs, Brown, Carnahan, Cobb, Conner, Gooding, Green, Hamilton, Hargrove, Heffren, Hill, Jennings, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Shoemaker, Slack, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner, Weir, Williams and Wilson—37.

Those who voted in the negative were,

Messrs. Anthony, Blair and Robinson—3.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Murray,

House bill No. 193. A bill relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries,

Was taken up.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Blair, Bobbs, Brown, Cravens, Gooding, Hamilton, Heffren, Hill, Jennings, Jones, Kinley, Line, McClure, McLean, Miller, Murray, O'Brien, Rice, Robinson, Slack, Steele, Studabaker, Tarkington, Turner, Wagner, Weir and Williams —31.

Those who voted in the negative were,

Messrs. Carnahan, Cobb, Conner, Cravens, Green, Hargrove, Johnston, Lomax, March, Shoemaker and Wilson—11.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Heffren,

The following House message was taken up:

A message from the House, by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has, as follows, acted upon the engrossed amendments of the Senate to House bill No. 341. A bill making specific appropriations for the year 1859.

The House has refused to concur in the following engrossed amendments of the Senate, to-wit: Sections 3, 5, 6, 7, 10, 11, 12, 50, 69, 70, 97, 83, 98, 99, 100, 100½, 101, 102, 108, 122 and 131. And has concurred in the remaining engrossed amendments, with the following engrossed amendments of the House thereto:

Sec. 139. That Klotz & Pflafflin be allowed ninety cents for candles and candlesticks furnished at this session.

Sec. 140. That O. B. Stout & Bro. be allowed one dollar for brooms furnished the House this session.

Sec. 141. That Charles Mayer be allowed fifty-five cents for candles and candlesticks furnished the House this session.

Sec. 142. That the Indiana State Sentinel Company be allowed wenty five dollars for binding two hundred copies of the Legislative Sentinel for the special session.

Sec. 143. That George H. Chapman be allowed five dollars for services rendered by order of the House in having bound the Legislative Sentinel of the extra session.

Sec. 144. That H. A. Fletcher be allowed the sum of one thousand five hundred and sixty-four dollars and five cents for carpets and sundries furnished for State House.

Sec. 145. That a certified copy of this act be sent immediately to the Auditor of State.

In which the concurrence of the Senate is respectfully requested.

Mr. Hamilton moved that the Senate refuse to concur in the engrossed amendments of the House.

Which was agreed to.

Ordered, That the Secretary inform the House thereof.

Horace Heffren, Senator from the counties of Washington and Harrison, here announced that he had filed his resignation as such Senator with the Governor, to take effect at 10 o'clock, A. M., today, and took his leave of the Senate.

On motion by Mr. McLean,

A recount was ordered on House bill No. 141, "a bill to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them."

The question recurred, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Carnahan, Conner, Craven, Hargrove, Hill, Jennings, Jones, Kinley, Line, McLean, March, Murray, O'Brien, Odell, Rice, Robinson, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner and Weir—30.

Those who voted in the negative were,

Messrs. Cobb, Hamilton, Johnston, Lomax, McClure, Miller, Wallace, Williams and Wilson—9.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. March,

No. 306. A bill for the relief of John M. Shirey.
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Beeson, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Conner, Cravens, Gooding, Green, Hamilton, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Tarkington, Turner, Wagner, Weir, and Wilson —37.

Senator Williams voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Turner,

House bill No. 298. A bill to provide for laying out and repairing highways upon the line between Indiana and the adjoining States.
Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Blair, Bobbs, Carnahan, Cobb, Conner, Cravens, Craven, Gooding, Green, Hamilton, Hargrove, Hill, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, McLean, March, Murray, Odell, Robinson, Shoemaker, Steele, Tarkington, Turner, Wagner, Weir, Williams and Wilson—34.

No Senator voting in the negative.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Leave being granted,
Mr. Murray, chairman of a select committee, made the following report:

Mr. President:

The select committee, appointed by the Senate to inquire into and report the facts connected with the rencounter in the Senate Chamber, on the morning of the 15th of February, between the Hons. the Senators from Washington and Hancock, and whether others, not members of the Senate, interfered, and what action is necessary on the part of the Senate, beg leave to submit the following report:

That in obedience to the order of the Senate they caused to be summoned before them a number of witnesses, and their testimony is herewith submitted.

They further state that the Senators implicated, as also the brothers of Senator Gooding, charged with a participation in the affray, to-wit: Henry Clay Gooding and Lemuel W. Gooding attended said examination, and either in person or by counsel, cross examined the witnesses, and produced such witnesses as they desired in their exculpation.

The committee feel that it will not be expected of them to dwell at length on the circumstances of this affray, as most of the Senators were present, and know of the facts connected with it.

It appears from the evidence, and it is known to the Senate, that ill feeling has for some time existed between the Senators from Hancock and from Washington, which has been manifested to the Senate in repeated exhibitions on the floor of the Senate, during its sittings to the annoyance of the Senate and to the hindrance of business. The committee feel that it is not their province to pronounce upon the causes of this difficulty, as to who is in the right or who in the wrong, further than to say that both of the Senators have indulged in remarks in the Senate, that was unbecoming, derogatory to themselves as Senators, and to the Senate.

The immediate cause of the rencounter, however, appears to be

words spoken in debate upon the bank bill, pending in the Senate, and upon the personal explanation made by Senator Gooding on the —— inst., in reference to said speech, and the publication by Mr. Heffren of his remarks in connection with that explanation. On the morning of the 15th inst., at about 10 o'clock, the Senator from Hancock arose to make a personal explanation as a question of privilege—having obtained leave to proceed, he read an extract from that morning's Sentinel, which elsewhere appears in the evidence, and turning to the Senator from Washington, who was sitting near him, having left his own seat and crossed over to the south-west corner of the Chamber, and to within four or five feet of the seat of the Senator from Hancock, asked him substantially if he had made those remarks in the Senate at the time referred to? The Senator from Washington arose and remarked—"that he knew the Senator from Hancock was armed, for he had seen his pistol, but that he was not to be intimidated, that he indorsed the remarks and here reiterated every word of it." Upon this the Senator from Hancock remarked—"I do not believe the Senator made the remarks, but as he indorses them, I hurl them back in his teeth, &c." Upon this the Senator from Washington struck at the Senator from Hancock, and the same moment a blow was returned. After a brief scuffle the Senators were separated. A portion of the witnesses here state that H. Clay Gooding, the brother of the Senator from Hancock, struck Mr. Heffren two, three, or more blows on the back and face, others that he simply caught hold of the Senator from Washington and jerked him away, as if in the effort to part them, and upon this point the committee are in some doubt; but at all events the Senator from Washington then turned upon H. Clay Gooding and pushed him back to the front of the Secretary's desk, and floored him near the desk of the Senator from Tipton, (Mr. Green.) At this point it is in evidence that Senator Wagner, and perhaps others, interfered and said to Heffren, "he is not your man, &c., don't hurt him," upon which Mr. Heffren, who was stooped on H. C. Gooding, was in the act of rising, when Mr. Lemuel W. Gooding, who was at or near the door of the stationery room, rushed up to the Senator from Washington, and at his back, and with a heavy hickory cane inflicted a blow upon the back of the head of Mr. Heffren, which caused the blood to flow profusely, and inflicting a severe flesh wound. Mr. L. W. Gooding immediately retreated back, and after having the cane taken from him, fled from the Senate Chamber. After this, the Senators being separated some ten or twelve feet, Mr. Heffren drew a dirk but did not use it, friends interposing and succeeding in getting him to put it away.

The resolution upon which this committee was raised requires us to report what action is necessary and proper in the premises. In coming to a conclusion upon these points has been to the committee a question of very grave moment, involving as it does the possible contingency of expelling from this body two of its members, a very serious matter, and depriving their constituents, who sent them here,

of the advantage of their votes in the important business of the session now drawing to the close. The committee have agreed to report the resolutions herewith returned for the consideration of the Senate.

The resolutions reported with reference to the two Senators, it will be seen, is an emphatic censure of their conduct, but in view of the facts already submitted, and that the Senate by its own act or failure to act is partly censurable for the result, the committee could not find it in their duty to report extensive resolutions.

These Senators will soon go back to their constituents to render an account of their stewardship, and we think that they are a fit tribunal to mete out to the Senators the just punishment due their offence; and as it is a general principle that the representative is a type of his constituents, it will be seen whether these Senators fitly and truly represent their constituents.

With reference to H. Clay Gooding, an employee of the Senate, who is charged with misconduct in the affair in the Senate Chamber, the committee, in view of the conflict in the testimony before them as to the part he took in the transaction and of his youth, have agreed to report the resolution herewith.

Lemuel W. Gooding is shown by the evidence to have rushed within the bar of the Senate, after the Senators were separated and while a number of persons were in the act of separating Mr. Heffren from H. Clay Gooding, and while Mr. Heffren was in the act of raising, and nearly in an upright position, and with a heavy cane inflicting a severe wound upon the head of Mr. Heffren. The committee conceive that they have no power to say what the Senate shall impose upon him, but that he should be brought to the bar of the Senate to answer for the offence they have accordingly reported a resolution to that effect.

In conclusion the committee feel that they cannot close this report without calling the attention of the Senate to the impropriety of permitting Senators to use harsh and disrespectful language towards any Senator or infringing on the private motives of Senators. Until the Senate take high ground upon that subject and enforce the rules of the Senate in this behalf, such scenes as we have had may be often repeated. It should at all times be regarded disorderly and offensive when Senators shall use such language. It is in the power of the Senate to protect itself in these cases before the matter can be brought to the crisis as in this case.

They submit the resolutions herewith, and in view of the fact that the evidence herewith reported is very voluminous, they recommend that it be not spread on the Journal.

Respectfully submitted,

C. D. MURRAY, *Chairman.*
J. F. STEVENS,
I. A. RICE,
W. C. TARKINGTON.

Mr. Wallace was not present after the taking of the testimony.

Resolved, That the course pursued by Senators Heffren and Gooding in connection with the discussions in the Senate in the use of personal abuse, offensive to good taste and tending to produce disorder, was disreputable to the Senators and an insult to the Senate.

Resolved, That Senators Heffren and Gooding, by coming into the Senate Chamber armed with deadly weapons in anticipation of a personal conflict, and engaging in such conflict, was a violation of the dignity of the Senate, disorderly in its character and destructive of the good order that should prevail in all deliberative bodies and merits the unqualified disappropation of the Senate and the people of the State.

WHEREAS, In consideration of the conflict in the testimony before the committee as to the course pursued by Henry Clay Gooding, and of his youth and inexperience, and believing that the utmost severity of the punishment ought not to be inflicted, therefore

Resolved, That Henry Clay Gooding, an employee of the Senate, merits the censure of the Senate for his course in the Senate Chamber in connection with the controversy.

Resolved, That the President of the Senate issue his warrant for the arrest of Lemuel W. Gooding, that he brought to the bar of the Senate to answer for the contempt offered the Senate in striking, within the bar of the Senate and during the session of the same, one of its members with a deadly weapon.

Which report was concurred in.

Mr. March moved to reconsider the vote on the concurrence of the Senate in the report of the committee.

Which was agreed to.

Mr. March moved to lay the report of the committee on the table.

The ayes and noes being demanded by Senators Johnston and Weir,

Those who voted in the affirmative were,

Messrs. Beeson, Blair, Bobbs, Cobb, Cravens, Culver, Green, Hargrove, Hill, Jones, Kinley, March, Miller, Shoemaker, Steele, Studabaker, Turner, Weir, Williams and Wilson—20.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Brown, Carnahan, Conner, Cravens,

Hamilton, Jennings, Johnston, Line, Lomax, McClure, McLean, Murray, O'Brien, Odell, Rice, Stevens, Tarkington and Wagner—20.

So the report was not laid on the table.

Mr. Miller moved to postpone the further consideration of the report until Monday evening, the 7th instant, at 6 o'clock.

The ayes and noes being demanded by Senators March and Murray.

Those who voted in the affirmative were,

Messrs. Cobb, Jones, March, Miller, Robinson, Studabaker, Turner and Williams—8.

Those who voted in the negative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Conner, Cravens, Craven, Green, Hargrove, Hill, Johnston, Kinley, Line, Lomax, McClure, Murray, Odell, Rice, Stevens, Tarkington and Wagner—23.

So the consideration of the report was not postponed.

Mr. Bennett moved a call of the Senate.

The Secretary proceeded with the call,
Whereupon thirty-six Senators answered to the call:

On motion by Mr. Conner,
The further call of the Senate was suspended.

Mr. Line moved the previous question.
Which was not seconded by the Senate.

Mr. Kinley moved to concur in the report of the committee with the following amendment: "Strike from the resolutions of censure the name of the Senator from Hancock."

Mr. Bennett moved to lay the amendment an the table.

The ayes and noes being demanded by Senators Kinley and March,

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Brown, Carnahan, Conner, Cravens, Hamilton, Hargrove, Hill, Johnston, Line, Lomax, McClure, Murray, Odell, Rice, Steele, Stevens, Tarkington, Wagner and Williams—23.

Those who voted in the negative were,

Messrs. Bobbs, Cobb, Craven, Kinley, March, Robinson, and Turner—7.

Senators Miller and Studabaker being present and not voting.

No quorum voting.

A call of the Senate was ordered.

Whereupon thirty-four Senators answered to the call.

On motion by Mr. Williams,
The consideration of the matter pending was passed informally over; and

On motion by Mr. Bennett,
The following messages from the House were taken up.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists upon its disagreement to engrossed amendments of the Senate to House bill No. 341, "a bill making specific appropriations for the year 1859," and has appointed Messrs. Branham and Parrot a committee of free conference to confer with a similar committee on the part of the Senate in reference to the disagreement of the two Houses.

Mr. Bennett moved that a committee of free conference be appointed on the part of the Senate to confer with a similar committee on the part of the House in regard to said disagreement.
Which was agreed to, and
The President appointed Senators Hamilton and Steele said committee on the part of the Senate.

Mr. Steele, from the committee on free conference, made the following report:

MR. PRESIDENT:

The committee on free conference to whom was referred the disagreement of the House to the engrossed amendment of the Senate to House bill No. 341, "a bill making specific appropriations for the year 1859," have had the same under consideration, and have agreed to submit, for the action of the Senate, the following report:

That the House shall recede from its disagreement to section three of the Senate's amendment, and that said section be amended by adding: "That J. B. Firestone and Caleb W. Edwards be allowed thirty-five dollars each, fees in contested election case in House."

And that the Senate shall recede from its engrossed amendments by striking out sections 5, 6, 7, 10, 12, 69, 70, 97, 98, 99, 100, 100½, 101, 108, 122 and 131 of the same.

The House to recede from its disagreement to sections 50, 83 and 102 of the Senate's engrossed amendments.

And they recommend the adoption of the following amendments in addition to the those already adopted to the bill:

SEC. —. That A. Klotz & Plaefflin be allowed thirty cents for candles and candlesticks furnished at this session.

SEC. —. That George H. Chapman be allowed five dollars for services rendered by order of the House in having bound the Legislative Sentinel of the extra session.

SEC. —. That H. A. Fletcher be allowed the sum of one thousand five hundred and sixty-four dollars and five cents for carpets and sundries furnished for the State House.

SEC. —. That George H. Chapman be allowed twenty dollars for making out a list of acts passed by the House the present session, in obedience to a resolution of the House; and that James N. Tyner and James H. Vawter be allowed ten dollars each for a similar service in the Senate.

SEC. —. That O. B. Stout & Bros. be allowed one dollar for brooms furnished the House of Representatives at this session.

SEC. —. That Charles Mayer be allowed fifty-five cents for candles and candlesticks furnished the House this session.

SEC. —. That the Indiana Sentinel Company be allowed twenty-five dollars for binding the Legislative Sentinel for the special session.

SEC. —. That T. J. Hosford be allowed three dollars per day for the days served by him as clerk of the committee on roads, the time to be certified by the chairman of that committee.

SEC. —. That R. J. Ryan he allowed twenty-five dollars for extra clerk hire.

SEC. —. That Minor Meeker be allowed fifteen dollars as mileage and per diem, as witness before the bank fraud committee of the Senate.

Mr. Line moved that the Senate concur in the report of the committee of free conference.

Which was agreed to.

Mr. Green, chairman of the committee on swamp lands, made the following report:

MR. PRESIDENT:

The joint committee, appointed in pursuance of the following con-

current resolution of the Senate and House of Representatives, to-wit:

Resolved, By the Senate, the House concurring, that a joint committee of the two Houses be appointed, two on the part of each House, to inquire into the alledged frauds concerning the swamp lands, with full power to send for witnesses and papers, to administer the necessary oaths, and do all things necessary to a full examination of the matter, and to receive from the committee on swamp lands the evidence taken at the last session, and adopt the same as a part of their examination, and report to this session of the General Assembly, adopted by the Senate, January 14, 1859,

Beg leave to report that they have found the field for investigation so very complicated and extensive, compared with the shortness of the time allowed, that they have been compelled to stop far short of a full investigation; but the evidence so far as they have gone, has developed a course of systematic fraud and speculations unheard of in the history of our State. Many flagrant violations of the law relating to the swamp lands and disposal of the funds arising therefrom, and many cases of fraud upon these funds, and of fraudulently obtaining from the State, without consideration, large bodies of these lands, brought to the knowledge of the committee, cannot be noticed in this report, for the reasons that the conflicting statements of the witnesses who have testified, occasioned by their varied and conflicting interests and feelings, have left the mode and detail of these wrongs in doubt, which could not be cleared away, for want of time for further investigation in these matters. But for a knowledge of this whole subject, as presented to the committee, and the difficulty they had to encounter, they would respectfully refer your honorable body to the testimony herewith filed.

By the act of Congress of September 20, 1850, the swamp and overflowed lands in the State, belonging to the United States, were granted to the State of Indiana, upon condition that the same should be drained and reclaimed, and rendered fit for agricultural purposes. By the provisions of the second section of that act it was made the duty of the Secretary of the Interior to transmit to the Governor of the State, upon his request, a list and plats of the swamp lands previously ascertained, together with patents therefor, vesting the title in the State, subject to the disposal of the Legislature, with the express *proviso* that the proceeds of said lands, whether from sale or direct appropriation in kind, shall be applied *exclusively*, as far as necessary, to the reclaiming of said lands.

As near as can be ascertained by your committee, the amount of lands patented by the General Government to the State, under the act aforesaid, and under the act of Congress of March 2, 1855, granting lands to the State for swamp lands which had been located upon by military land warrants, amount to 1,252,038.65 acres. It has been decided by the Commissioner of the General Land Office

that the title to all unsold lands in the State, that belonging to the United States on the 28th September, 1850, (see act of Congress of this date as aforesaid,) were swamp lands vested in the State by the passage of said act, at which time the government lands were selling rapidly in different parts of the State. The minimum price of those sold within the limits of what was the Miami Reservation was two dollars per acre.

Your committee have been unable to ascertain what amount of these lands, afterwards ascertained to be swamp lands, were sold at the United States Land Offices, at two dollars per acre, nor whether the United States Offices have refunded to the State the two dollars per acre received for all swamp lands sold at that price, from the fact that there is no data, in either the office of the Auditor or Treasurer of State, showing these facts. Your committee would therefore recommend that the Auditor of State be required to ascertain, without delay, whether the United States have paid over to the State the two dollars per acre for all swamp lands sold at that price, after the passage of the act of September 28, 1850, or whether the sum of one dollar and twenty-five cents per acre was only paid over on swamp lands so sold—seventy-five cents per acre being retained; and if it is found that this sum upon lands so sold has been retained, that payment of the same be demanded of the United States. Your committee find from the evidence of Aquilla Jones, late Treasurer of State, that of the sum of eighteen thousand five hundred and twenty-nine dollars and twenty-five cents paid by the United States to Governor Willard, for lands sold at the United States Land Office, that were selected by the State as swamp lands, only $17,529 25 were paid into the State Treasury, leaving the sum of $1,000 in his hands Your committee have been unable to ascertain by what right, or under what law, or for what purpose said sum was so retained by the Governor; and for the purpose of obtaining information upon this point, addressed him a note some weeks since, respectfully asking for information relative thereto, but have obtained no reply from him. From the fact it is shown by the books of the Auditor of State that the Governor has received the sum of $1,970 75 in the shape of fees for swamp land services, your committee are compelled to believe that the sum of $1,000 is retained from the State Treasury in violation of law, and would therefore recommend that immediate steps be taken to recover this sum for the benefit of the swamp land fund.

From the evidence before your committee on public expenditures, to which your honorable body is respectfully referred, your committee find that large sums of money have been abstracted from the general swamp land fund of the State in the shape of fees and charges unauthorized by law, principally by N. Hayden, E. B. Collins and Daniel McClure, whilst they respectively held the office of Secretary of State. It will be seen by reference to the report aforesaid, and facts obtained therefrom, that the gross amount thus illegally taken from the swamp land fund amounts to $14,144 90.

Your committee most heartily concur in the resolution reported by that committee, that prompt steps be taken to have this matter judicially investigated for the benefit of the swamp land fund.

We find that the county treasurers were instructed by Auditor Dunn, without authority of law, to issue to purchasers of swamp land certificates for every subdivision of forty acres purchased without regard to the amount of land sold at a time in one body. The greater part of these lands have been bought by purchasers in larger bodies that forty acres—frequently in whole sections at a time, but by this regulation, established by Auditor Dunn and adhered to by all his successors, sixteen patents have been issued for every section of these lands sold. A separate fee is charged by the Governor, Auditor and Secretary of State for each patent issued. The fee of the Governor has uniformly been sixteen and two-thirds cents upon each patent; that of the Auditor of State has been fifty cents upon each patent, while Secretaries Hayden and Collins charged a fee of fifty cents on each patent—Secretary McClure for the same service charged one dollar. It will be seen upon taking the rate of fees charged upon the patents by the Governor, Auditor and Secretaries Hayden and Collins that the additional amount of expense caused to the swamp land fund by this unjust regulation, where a section is sold to a purchaser at one time is $18 67, instead of $1 17, as it should be—at the rate of charges made by Secretary McClure it would amount to $26 67, instead of $1 17.

The committee estimates the loss to the swamp land fund on account of this mode of charging at about $10,000.

But the wrong and expense occasioned by this regulation is not only to the State, for it occasions to the purchaser an almost equal expense in the transfer and recording of patents. The law allows to the county auditor twelve and a half cents for each description of lands transferred for taxation, and to the recorder one dollar for each deed recorded. The poor man who buys eighty acres of swamp land from the State is caused by this regulation to pay to the county auditor twenty-five cents, stead of twelve and a half cents, and to the recorder *two* instead of *one* dollar, and the man that buys a section pays to the county auditor two dollars, instead of twelve and a half cents, and to the recorder sixteen dollars, instead of one dollar.

The committee find from the evidence that the officers of State have been in the habit of retaining ten per cent. upon the gross amount of sales of swamp lands made by the counties over and above their fee, and have been unable to find any authority of law for their so doing, and estimate that at least seventy-five thousand dollars have been retained out of the swamp land fund in this way from the counties. The committee find from an act approved February 14, 1850, entitled, "an act to provide for defraying the expenses of selecting the overflowed and swamp lands in the State of Indiana, and for other purposes," that provision was made for the payment "of all county surveyors and others employed in selecting and designating the swamp and overflowed lands in this State," and that this act

confirmed and legalized the proceedings of Governor Wright in employing these persons to select and designate the swamp lands, and that all that were then supposed to be swamp lands were selected by em, amounting to over one million of acres.

A second selection was afterwards made of some swamp lands that had been overlooked in the first selection, and also of lands in lieu of some swamp lands that had been located upon by United States land warrants. The committee is compelled to believe that exorbitant and unauthorized charges were paid to persons appointed by the Governor in making these last selections. They find that there has been paid to Ben. Reynolds, of White county, the sum of $7,448 50, and to other persons the sum of $1,604 00; making in all the sum of $9,052 50.

The law of 1852 provided for the sale of swamp lands in the several counties by the county officers. Under this act all of these lands in some of the counties were disposed of, whilst in others large bodies remained unsold at the passage of the act of 1857, which act made "direct appropriation in kind" for the purpose of reclaiming for agricultural purposes such lands.

By the law of 1852 it was made the duty of the Governor to appoint swamp land commissioners in every county owning swamp lands. In many instances these appointments were singularly unfortunate, possessing neither qualifications nor honesty of such a character as to fit them for their responsibilities.

We have had our attention called to the official misconduct of these officers in several counties, but have found it utterly impossible to give the subject that investigation which the interests of the State and justice demands. In the county of Jasper our investigations have satisfied us that the officers of that county have not only aided others in the commission of great frauds upon the swamp land funds, but have also been participants in the profits arising therefrom. In this charge we make no reference to the present treasurer and auditor of this county.

The commissioner, at a letting of a large amount of ditching under the law of 1852, let almost the entire work to one man for the sum of 20 cents the cubic yard, although at this letting there were other good and responsible bids for the same work at 14 cents the cubic yard, and one as low as 10 cents. The ditching contracted for at this letting has never been finished according to the plans and specifications, and some of the ditches are worthless. The entire estimates of this work, amounting to $39,351 59, have been paid to the contractor. According to the testimony before us, this one transaction has resulted in great loss to the swamp land fund, and loss to the value of real estate in the vicinity of the work.

In the year 1856, without the color of law, and in violation of all right, the then Auditor of State, Hiram E. Talbot, directed the auditor of Jasper county to withhold from sale a large amount of swamp lands designated by him. The committee are compelled to conclude that this order was prompted with a view to personal and private

speculation. (See the letter of the Auditor and the letter of A. B. Condit on file.) This, no doubt, was the commencement of a series of frauds unheard of before. A spirit of speculating in these lands was engendered, and in a short time there were formed four separate companies, who selected, as they termed it, and actually obtained, by the complicity of the swamp land commissioners, deeds for about one hundred and twenty-four thousand acres of the lands vacant in the county. (For the names of the parties in this scheme we refer you to the evidence herewith filed.) The deeds to these lands were procured without the shadow of law from the officers of State.

The swamp land act, approved March 5, 1857, required that these fraudulent conveyances should be returned and canceled when the work was not completed, but provided that the loose contracts upon which they had been obtained might be ratified and confirmed by the swamp land commissioner, and provided that the contractor might file with the county auditor lists of the lands selected by them to be taken in payment for ditching, and the sale of these selected lands was then prohibited by the county officers till the completion or perfecting of the contract for the payment of which they were filed, and that seventy-five per cent. upon the estimates of the work done should be issued to the contractor until all was done, when certificates for the whole should be issued; and provided further that the contractor might at any time, by depositing $1 25 per acre with his list, take out certificates and procure patents for the same, and that the money so paid into the county treasury should be then retained, to be repaid to the contractor at the rate of seventy-five per cent. upon estimates of work done, until the contract was completed, when all should be repaid. Under this law the swamp land commissioner of Jasper county confirmed all of the old contracts at twenty cents per cubic yard, which had been originally let at from twelve to eighteen cents per cubic yard, and the contractors were permitted to file lists of lands to any amount they desired, and the amounts of their respective contracts were swelled up to cover the amount filed for, and in a short time after the taking effect of this law, all the unsold swamp lands in Jasper county, amounting to about one hundred and seventy-five thousand acres, were then absorbed, and nearly all the contractors, without paying any money into the county treasury, by private arrangements with Jacob Markle, the then treasurer of Jasper county, obtained from him certificates of purchase, and upon these obtained the greater part of their patents upon these lands. In a few instances the contracts have been in whole or in part completed, but probably not one half the ditching is yet completed. From estimates of the whole amount of these contracts, and of the amount of work done upon the same at the expiration of the term of said Markle's term of office, he should have paid over to his successor in office at least ($100,000) one hundred thousand dollars of money, deposited with him by contractors for lands obtained by them, but not one cent was so paid over by him. The lands being gone and there being no moneys for the same on deposit in the county

treasury, and consequently no incentive to the completion of the contracts, and their being no law to enforce their completion, your committee would recommend that some law be passed to remedy this defect.

There is evidence before the committee showing that Markle, without the shadow of authority or law, issued to P. M. Kent, in the name of his brother and others, certificates of purchase for a large amount of these lands previously filed for, by contractors, and that upon these fraudulent certificates Kent obtained patents, and that the contractor, whose lands he had thus stolen, in order to avoid troublesome and expensive litigation, compromised with him, permitting him to retain (3,500) three thousand five hundred acres of the lands thus obtained, of which Markle got a portion.

From the evidence in possession of your committee, they cannot but express their surprise that Governor Willard should have appointed Jacob Markle to the responsible office of swamp land commissioner of Jasper county, soon after the expiration of his term of office as treasurer of said county, notwithstanding it was known to His Excellency that said Markle had been sued on his official bond, as a defaulter to the swamp land fund, in 1855, which suit he has compromised by giving his notes with surety for the sum of $23,460 30, thus acknowledging his defalcation, and that the greater part of those notes, though due, were still outstanding and unpaid; and notwithstanding it was known to His Excellency that said Markle had again been sued in 1856, upon his official bond as swamp land treasurer, for a further defalcation of $14,000 to the swamp land fund, as certified by the Auditor of State; and that in 1857 judgment was obtained against him in another suit upon his official bond as county treasurer to the amount of $1,000 for State revenue, and that was then, and still is pending against him upon his official bond for defalcation of county revenue, and had not at the date of his appointment as said commissioner, and still has not, settled with the Auditor and Treasurer of State, or county commissioners, for either State, swamp land, or county revenues; and notwithstanding it was known to His Excellency, that by section 10, article 2, of the constitution of Indiana, said Markle was wholly "inelligible to any office of trust or profit," and that by an act of the legislature, approved March 1, 1855, (see acts 1855, page 85,) he was guilty of felony—still with a full knowledge of all these disqualifications and disabilities, he (Markle) was appointed and invested by His Excellency with the duties of this important and responsible office, for the performance of which he is not required to give any bond. In view of all these facts your committee would recommend that His Excellency be respectfully requested to remove Mr. Markle from said office.

Your committee find that in Lake county frauds of the grossest kind have been committed by the present swamp land commissioner, S. R. Childs, in connection with the treasurer and Dr. Stanton; that said Stanton, by the deposit with said treasurer of a pretended check or draft, has obtained certificates for all the unsold swamp lands in

the county, amounting to about fifteen thousand acres; that after the pretended lettings the contracts being all bid off by Stanton, each time at four cents per cubic yard, was afterwards confirmed to him at about forty cents per cubic yard; that Stanton had deeded the undivided half of these lands to said Childs; that Childs issued to him ditching certificates for $10,000 on the 28th of May last, and soon afterwards other ditching certificates to the amount of between $6,000 and $7,000, by which the pretended check or draft deposited with the treasurer was taken up, and that very little ditching is yet done.

There are also complaints of frauds committed by Henry Wells and R. A. Eddy, former swamp land commissioner of that county, but your committee have not had time to investigate these matters, but, from the testimony we have, would recommend the removal of said Childs.

Your committee have also received complaints from Pulaski county, in relation to frauds in the management of the swamp land interests, but have been unable to investigate them.

We respectfully refer your honorable body to the documents herewith on file, in relation to each of these counties.

Your committee find that the swamp lands of this State, and funds arising therefrom, have been the objects of greedy prey, by nearly all who have had opportunity, and that though most of these lands have been squandered, there are still a few thousand acres remaining unsold in the different counties, mostly of what are called the second selection. That large numbers of contracts for their drainage, though let at exorbitant prices in most instances, are still unfinished. That all the laws relative to swamp lands, especially those relating to ditching and drainage, are radically defective. Among the defects most apparent your committee would direct attention to is, that the commissioner is not required to give bond for the faithful performance of his duty, and of his accountability to no other officer or tribunal, except in a slight degree to the officers of State, who are distant from and have but little interest in those matters to prompt them to a strict oversight.

Your committee, therefore, recommend that these laws be revised and changed so as to place the sales, making of deeds, ditching, drainage, and enforcement of contracts, &c., under the control of the county officers and board doing county business in which these lands lie, which officers and boards, having an immediate interest for the benefit and improvement of their respective counties, would vigilantly protect, and economically and judiciously expend the funds, and enforce the rigid observance of all contracts for drainage, and recommend the adoption of the following resolution:

Resolved, That three thousand copies of the report and evidence of the joint committee on swamp lands, be printed under the direction of the secretary of the Senate, who shall cause to be forwarded to each member of the preset General Assembly ten copies thereof,

and deposit in the State Library five hundred copies, and with the Secretary of State 1,000 copies, to be by him distributed with the acts and journals of thr present session.

JOHN GREEN,
O. S. HAMILTON,
Committee.

Which report was concurred in.

Mr. Williams, from the same committee, made the following minority report:

MR. PRESIDENT:

The undersigned, a member of the joint committee on swamp lands, has served on four of the standing committees of the Senate and consequently could not give the business before the joint committee on swamp lands that attention which its importance demanded. For this reason the undersigned cannot come to the conclusion arrived at by the chairman of the committee, but will leave the readers of the evidence taken by the committee to form their own opinions as to the guilt or innocence of the parties, believing that it is a subject for the investigation of the courts rather than for the Legislature.

J. D. WILLIAMS.

On motion by Mr. Steele,

House bill No. 300. A bill providing that certain notices of public sale and other legal notices therein named, shall be published in some newspaper printed at the county seat of the county wherein such notices are to be given, in all cases where a newspaper of general circulation is published at said county seat,

Was read a third time, and

On motion by Mr. Steele,

Was laid on the table.

Leave being granted,

Mr. Williams offered the following resolution:

Resolved, That the Secretary of State be authorized to have printed ten thousand copies of the geological reconnoissance made in the years 1836 and 1837 by David Dale Owen, to be distributed in the same manner and proportion as the laws of the State.

Which was adopted.

Leave being granted,

Mr. McClure offered the following resolution:

Resolved, That the use of the Senate Chamber and the Senate

committee rooms be granted the General Assembly of the Presbyterian Church at their annual meeting in 1859.

Which was adopted.

Mr. Blair, from the committee on finance, made the following report:

Mr. President:

The committee on finance to whom was referred the petition of the citizens and voters of the county of Randolph with regard to the passage of a law legalizing contracts in writing for the payment of interest not exceeding ten per centum per annum, have had the same under consideration and have directed me to report it back and recommend that it lie on the table.

Which report was concurred in and the petition was laid on the table.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate without amendment:

Senate bill No. 271. An act to amend the third section of an act entitled "an act regulating general elections and prescribing the duties of officers in relation thereto.

Senate bill No. 277. A bill to fix the terms of the Hancock circuit court after the next term thereof, and to authorize the court at each term thereof to continue in session two weeks if the business requires it.

A message from the House by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has concurred in Senate amendments to the following bills of the House:

House bill No. 3. A bill to amend section 302 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18. 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases; also to al-

low defendants to testify in certain actions brought by assignees, where the assignor testifies.

House bill No. 175. A bill to amend section 11 of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and prescribing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT.

I am directed by the House of Representatives to bring to the Senate, for the signature of the President thereof, enrolled bills of the House Nos. 165, 152, 206 and 253.

The President signed the bills.

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signature of the President and Secretary thereof, the following enrolled bills of the House, Nos. 208, 226, 218, 324, 338, 204 and 281.

The President and Secretary signed the bills.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled House bill No. 55.

The President and Secretary signed the bill.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to House joint resolution No. 14.

On motion by Mr. McClure,
The Senate adjourned.

2 o'clock, p. m.

The Senate met.

Mr. O'Brien offered for adoption the following resolution:

Resolved, That the Secretary of State be authorized to present to the Young Men's Mercantile Library Association, of Cincinnati, one copy each of such journals, reports and other documents published by authority of this State, of which there may be a surplus number of copies remaining on hand, not required for distribution in this State.

Which was adopted.

On motion by Mr. Wagner,
The following House message was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit:

Senate bill No. 69. A bill to legalize all bonds and other instruments in writing executed by any assignee of a branch of the State Bank of Indiana, and authorize suits to be brought thereon, and to empower the debtors of any branch to secure the same to the sinking fund, with the following engrossed amendment to the title thereof.

Amend title to Senate bill No. 69 as follows:
A bill containing some general provisions respecting the sinking fund, its management and control, and to legalize and give validity to certain bonds therein named, and to authorize the debtors of the branches of the State Bank of Indiana to secure to the sinking fund a portion of their indebtedness.
In which the concurrence of the Senate is respectfully requested.

Mr. Wagner moved that the Senate concur in the engrossed amendments of the House.
Which was agreed to.

On motion by Mr. March,
The following message of the House was taken up:

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

House bill No. 321. A bill regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take exchange contrary to the provision thereof, by any bank, individual or corporation.

In which the concurrence of the Senate is respectfully requested.

House bill No. 321, contained in the foregoing message,
Was read a first time.

Mr. Wagner offered the following resolution:

Resolved, That the Secretary of the Senate prepare an authenticated list of the title of all acts which have passed at the present session of the General Assembly of the State, and have the same published in the Indiana State Journal and Indiana State Sentinel.

Which was adopted.

Leave being granted,
Mr. Bobbs, from a select committee, made the following report:

Mr. President:

The select committee, to whom was referred the communication of Dr. John Hughes, in reference to a "paciffick" for sundry diseases incident to man and beast, including milk-sick, have had the same under consideration and have directed me to make the following report: The committee find that Dr. John Hughes has been seven years experimenting on "the epademick or disease incident to man and beast called milk-sick," and having ascertained the cause of said diseases, and "whare the same exists in the earth," holds himself "in rediness to show the source to the community at large whare the cause of the said disease exists in the earth." The "said cause proceeds from copper mineral arising in a vapor from the earth," and "effects vegitation and water also." "The same when analized proves to be arsnick and nitrick asid."

The Doctor further represents "that by boiling an entire sweet or sour substance in a copper vessel, a length of time, say one hour, and then mix Indian meal or wheat bran in the same and feed to a cow, it will produce said disease" The doctor adds, "I also offer a pacifick for said disease, which has never failed, when taken in a reasonable time after the attack."

The committee are without any evidence that might impeach the

veracity of Dr. Hughes, and presume the important facts disclosed in his communication are entirely trustworthy, seeing they have his averment to that effect, without any reservation. In view of their originality and great importance to the "community at large," the committee feel it to be their duty to commend the doctor to the favorable regard of the "community at large," and regret that the depleted state of the Treasury will not admit of such compensation being made from that source as would be at all commensurate with the services rendered. As the next best means of securing to the doctor, the fair compensation which his valuable services to the public in this particular entitle him, the committee would respectfully report the following resolutions:

The committee labored under much embarrassment in determining the Senators who presented the strongest claims to the honor of sharing immortality with Dr. Hughes, in being associated with him in ushering this remarkable discovery upon the world. As it will probably suggest itself to the Senate, the committee had but one course to pursue to place themselves above suspicion, and that was to select Senators who would at once concentrate opinion so as to leave no minority dissenting from their decision, and in presenting the name of the distinguished Senator from the county of Randolph, and the like distinguished Senator from the county of Huntington, the committee feel they cannot be charged with personal preferences or political partiality. With entire confidence that this selection will command the approval of the Senate, they respectfully submit herewith the following resolutions, and recommend their adoption.

Resolved, That the Senator from the county of Randolph, and the Senator from the county of Huntington, be a committee to wait upon Dr. John Hughes, and receive from him the valuable "paciffick" for "milk-sick incident to man or beast," and have the same enrolled upon parchment, and carefully deposited in a gold safe for preservation.

Resolved, That the said Senators be authorized to sell, barter and vend the same, for the use and benefit of, and upon such terms and conditions as may be agreed upon by the said Hughes, and to receive a reasonable compensation therefor, not exceeding one per cent. upon the gross amount of such sales.

Resolved, That the said Senators, in case of sudden and imminent attack of "milk-sick," shall be authorized to resort to, and use so much of said "paciffick" as may be found necessary for their relief; and the said Hughes shall not be allowed to demand and receive payment therefor, except at a discount of one hundred per cent. upon its retail price.

Resolved, That if the commission of one per cent. authorized to be received by the said Senators for the sale of said "paciffick," shall

exceed in the aggregate ten thousand dollars, they shall pay the overplus into the sinking fund for school purposes, and if there shall be more than is necessary to keep the common schools open fifteen months annually, the overplus shall go into the United States Treasury, and be appropriated to the purchase of the island of Cuba.

Which report was concurred in.

Mr. March, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to whom was referred House bill No. 256, "a bill to amend the 71st section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, have had the same under consideration and have directed me to report the same back and recommend its passage.

Which report was concurred in, and

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Cravens, Craven, Culver, Green, Hamilton, Hill, Jennings, Johnston, Jones, Kinley, Line, McClure, March, Murray, O'Brien, Odell, Robinson, Shoemaker, Steele, Stevens, Studabaker, Tarkington, Turner, Wagner and Williams—32.

Those who voted in the negative were,

Messrs. Hargrove and Lomax—2.

Senator Gooding being present, did not vote.

So the bill passed.

Ordered, That the Secretary inform the House thereof.

Mr. Murray offered the following resolution:

Whereas, The Senate has heard with emotions of profound regret of the death of Mrs. Fisk, wife of Hon. R. W. Fisk, Senator from the county of Ripley, therefore

Resolved, That this Senate hereby express their sincere condolence with our brother Senator, in this, to him, heavy bereavement.

Resolved, That Mrs. Fisk, by her amiability of character and her many virtues, had endeared herself to the community in which she lived, and her death has left a void in the family and social circle which can never be filled.

Resolved, That the Secretary of the Senate be directed to forward to Mr. Fisk a certified copy of these resolutions.

Which preamble and resolutions were adopted.

On motion by Mr. Line,
The following message from the House was taken up:

A message from the House by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House to inform the Senate that the House has passed the following engrossed joint resolution thereof, viz:

House Joint Resolution No. 1. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law giving pensions to the soldiers of 1812.

In which the concurrence of the Senate is respectfully requested.

House joint resolution No. 1, contained in the foregoing message, was read.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Bobbs, Brown, Carnahan, Cobb, Cravens, Craven, Culver, Green, Hamilton, Hargrove, Jennings, Johnston, Jones, Kinley, Line, Lomax, McClure, March, Murray, O'Brien, Odell, Rice, Robinson, Shoemaker, Steele, Studabaker, Tarkington, Turner, Wagner and Williams—33.

Senator Gooding present and not voting.

So the joint resolution passed.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. March,
The following message from the House was taken up:

A message from the House by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate with sundry engrossed amendments thereto:

Senate bill No. 208. A bill to amend the 1st section of an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained.

SEC. 3. That whenever, under any law of this State, a new county hereafter shall have been created, it shall be the duty of the Governor to issue a writ of election, directed to some person in such new county whom he shall appoint to act as sheriff until the next general election, and until his successor is elected and qualified, requiring him to cause an election to be held at such place or places in said county as he may direct, on such day as may be designated in the writ of election, for the purpose of electing one clerk of the circuit court, one county auditor, one county recorder, one county treasurer, one sheriff and three commissioners.

SEC. 4. The person to whom the writ of election is directed shall have power and is required to appoint the necessary officers of such election, which officers of election shall be governed by the law now in force regulating elections and shall make return to the acting sheriff on the Wednesday following at such place in the county as he may have designated.

SEC. 5. The person to whom the writ of election is directed in a new county shall give at least ten days' notice of the time and place or places where such election is to be held and also of the place where the returns are to be made to him by setting up written notices thereof in three of the most public places in each election district which he may establish in such county, and on return of the election being made to him, and the vote compared according to law, he shall give to each of the commissioners a certificate of his election and the time he is elected to serve, having a regard to the law, and shall also within ten days after said returns are so made to him, forward to the Secretary of State a certificate of the persons who are elected to the offices requiring a commission from the Governor.

SEC. 6. The person so appointed as sheriff is authorized to administer such oaths as are required by the Constitution and laws of the State, certified copies of which he shall file in office of the clerks of the circuit courts whenever it shall be established.

SEC. 7. All officers falling within the bounds a new county shall continue to exercise the duties of their several offices until they are succeeded by others duly qualified to take their places.

SEC. 8. No suit or action of any nature whatsoever, commenced

in any court of record or before any justice of the peace, shall in any wise be effected by the laying off or organizing any new county, and all taxes that may be due the State, or any county in the State at the time of organizing any new county, shall be collected in the same manner as if such new county had not been organized.

Sec. 9. Said new county shall, for purposes of representation in the State Legislature, when formed out of a county now organized, remain in the district to which the county from which it was taken belonged, until a different appointment is provided by law, and for judicial purposes shall remain a part of the district to which the original county was attached.

Sec. 10. Whenever a new county shall be formed out of a contiguous county of one or more counties the same shall for representative and judicial purposes be attached to the county from which the smallest portion of territory was taken, and the circuit court shall be holden in such new county at such times as the presiding judge, in whose circuit the said new county may be, shall appoint, and said judge shall have full power and authority to make all necessary orders in relation thereto.

Sec. 11. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

On motion by Mr. March,
The engrossed amendments of the House were concurred in.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof enrolled bill of the House No. 234.

The President and Secretary signed the bill.

A message from the Governor, by Mr. Osborne, Executive Messenger.

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

Senate bill No. 138. An act to fix the amount of the salary of State Librarian, and repealing all laws conflicting therewith, and to dispense with an Assistant Librarian and Clerk.

Senate bill No. 206. An act supplemental to an act entitled "an

act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved February 28, 1855.

Senate bill No. 63. An act to amend the fifth and eighth sections of an act entitled "an act to provide for equalizing the appraisement for taxation of the real property of the State of Indiana," approved May 28th, 1852, constituting county auditors district boards of equalization, providing where they shall meet, providing for equalizing appraisements between counties and congressional districts, providing for a State board of equalization, and constituting the Auditor of State President of the State board of equalization.

Senate bill No. 201. An act to require surviving partners to file inventories and appraisements in the office of the clerk of the court of common pleas, and to report the liabilities of the firm.

Senate bill No. 262. An act to provide for the printing and binding of 2,000 copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same.

Senate bill No. 174. An act fixing the time of holding the court of common pleas in the county of Hendricks, and the length of the terms thereof, and repealing all laws in conflict therewith.

Senate bill No. 79. An act to extend the time of payment to purchasers of saline and school lands.

Senate bill No. 131. An act to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venue in certain cases.

Senate bill No. 104. An act to amend the first section of an act entitled "an act in relation to plank, McAdamized, tram and gravel road companies," approved March 1st, 1855, and supplemental thereto, so as to enable corporations or companies to take possession of unfinishish portions of said road, and complete the same where the original corporation has failed to complete it, to prevent any company or corporation, when about to abandon said road, from removing any material used in its construction, providing for enjoining the removal of the same, and to provide for the making of such abandoned roads.

Senate bill No. 30. An act to provide for the transferring of the certificates of the stock of the State of Indiana, providing for a registry of the same, and to prevent a fraudulent issue thereof, and providing a punishment for violation of the provisions of this act.

Senate bill No. 254. An act supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18th, 1859, so as to provide for the levy of the township taxes for the year 1859, at the June term of the county board.

Senate bill No. 183. An act in relation to the partition of real estate, and supplementary to "an act concerning the partition of lands," approved May 20, 1852.

Senate bill No. 129. An act declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor.

Senate bill No. 178. An act providing for the election or appointment of supervisors of highways and prescribing their duties and those of county and township officers in relation thereto.

Senate bill No. 277. An act to fix the terms of the Hancock circuit court after the next term thereof, and to authorize the court at each term thereof to continue in session two weeks, if the business requires it.

House bill No. 1. An act to provide for taking the sense of the qualified voters of the State, on calling a convention to alter, amend or revise the constitution of the State.

House bill No. 147. An act to amend section two of an act to incorporate the Ohio and Mississippi railroad company, so as to authorize its board of directors to reduce the amount of its capital stock and the nominal value of the shares, and to issue certificates therefor.

House bill No. 204. An act prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons in their respective townships, and prescribing the duties of county auditors, and of the Auditor of State in relation thereto.

House bill No. 344. An act to fix the times of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

House bill No. 324. An act to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford, in Ohio county.

House bill No. 338. An act making general appropriations for the years 1859 and 1860, and the first quarter of the year 1861.

House bill No. 281. An act providing for the incorporation of canal companies.

House bill No. 208. An act to provide for the case of removal from office, death, resignation or inability both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor.

House bill No. 152. An act to provide for the making and authentication of transcripts from the records of the recorder's office in certain cases, and for the admissibility in evidence of the same, or copies thereof.

House bill No. 94. An act supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852.

House bill No. 178. An act fixing the time of holding courts of common pleas, and the length of terms thereof in the counties of Delaware and Blackford for the years 1859 and 1860, and repealing all laws in conflict therewith.

House bill No. 253. An act to provide for transferring real estate for taxation on the books of county auditors and preserving the chain of title thereof in the recorder's office in certain cases therein provided for.

House bill No. 218. An act to fix the times for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act.

House bill No. 165. An act to amend the 18th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

House bill No. 206. An act to amend the 36th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor."

House bill No. 226. An act to amend section eight of an act en-

titled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852.

House bill No. 158. An act to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence and gone to parts unknown.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

Mr. President:

The committee on enrolled bills would respectfully report that they have compared the following enrolled with the engrossed copies of Senate bills and find the same correct, viz:

Senate bill No. 153. A bill to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject. Also,

Senate bill No. 103. A bill to authorize county boards in certain cases to hear and determine complaints against plank, gravel, turnpike and McAdamized roads, and to declare their charters forfeited. Also,

Senate bill No. 106. A bill to provide for the relief of purchasers of real estate at sheriffs' sales, under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the revised statutes of 1852 took effect, and where such sureties, being the owners of such real estate had sold and conveyed the same after becoming such recognizors, but before judgment of forfeiture thereof had been taken. Also,

Senate bill No. 254. A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, so as to provide for the levy of township taxes for the year 1859, at the June term of the county board. Also,

Senate bill No. 263. A bill fixing the time of holding the court of common pleas in the county of Wabash, and the length of the terms thereof.

A message from the House, by Mr. Ryan, its Clerk:

Mr. President:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled bill of the House No. 131.

The President and Secretary signed the bill.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, the following enrolled bills of the House, Nos. 117, 201 and 293.

The President and Secretary signed the bills.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signatures of the President and Secretary thereof, joint resolution of the House No. 14.

The President and Secretary signed the joint resolution.

A message from the House, by Mr. Ryan, its Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of conference on House bill No. 341, "a bill making specific appropriations for the year 1859."

A message from the House by Mr. Ryan, its clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate for the signature of the President and Secretary thereof, enrolled bills of the House Nos. 304, 203, 188, 193, 258, 167, 306, 89, 262 and joint resolution of the House No. 24; also House bills Nos. 325, 279, 223, 298 and 322.

The President and Secretary signed the bills.

The Senate resumed the consideration of the report of the select committee in regard to the difficulty between Hons. Horace Heffren and David S. Gooding, which was informally passed over by the Senate this morning.

Mr. March moved to concur in the report of the committee with an amendment to strike out the resolution condemnatory of H. C. Gooding.

Mr. Jones moved to indefinitely postpone the report and pending amendment.

Mr. Tarkington moved to lay the motion to indefinitely postpone on the table.

The ayes and noes being demanded by Senators Tarkington and Miller,

Those who voted in the affirmative were,

Messrs. Bennett, Blair, Bobbs, Carnahan, Hamilton, Hargrove, Hill, Johnston, Line, Lomax, Murray, Odell, Rice, Tarkington, Wagner and Williams—17.

Those who voted in the negative were,

Messrs. Cobb, Cravens, Craven, Culver, Green, Jones, McClure, March, Miller, Robinson, Shoemaker, Steele, Studabaker and Turner—14.

No quorum voting.

Mr. Murray moved to pass indefinitely over the consideration of the report and pending amendment.
Which was agreed to.

Mr. Murray offered the following resolution:

Resolved, That when the Senate adjourns it will adjourn to meet again at 7 o'clock this evening.

Which was agreed to.

Mr. Cobb moved that the Senate adjourn.

The ayes and noes being demanded by five Senators.

Those who voted in the affirmative were,

Messrs. Bennett, Carnahan, Cobb, Cravens, Green, Hamilton, Hargrove, Johnston, Line, Lomax, McClure, Miller, Murray, Odell, Robinson, Studabaker and Tarkington—17.

Those who voted in the negative were,

Messrs. Blair, Bobbs, Brown, Craven, Culver, Hill, Jones, Kin-

ley, March, Rice, Shoemaker, Steele, Turner, Wagner and Williams —15.

So the Senate adjourned.

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7 O'CLOCK, P M.

The Senate met.

Leave being granted,
Mr. Tarkington offered the following resolution:

Resolved, That the Secretary of State procure and send to each member of the Senate and officers and reporters elect, one copy of Legislative Reports at the same price per copy of those furnished members during the session; also, one copy of the acts of the extra session, one copy of the Journal of each session, and one copy of the Documentary Journals, all to be bound in sheep.

Which was adopted

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House to bring to the Sena e, for the signature of the President thereof, enrolled bill of the House No. 341.

The President and Secretary signed the bill.

Mr. Turner, chairman of the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills, would respectfully report that they have compared the enrolled with the engrossed copy of Senate bill No. 156, and find the same correct, viz:

Senate bill No. 156. A bill authorizing the purchasers of railroad, plank roads, turnpike roads, and McAdamized roads, or parts thereof, under mortgage sale or sales made according to the terms of

deeds of trust, to organize an incorporated company, and prescribing their powers and duties.

A message from the House, by Mr. Ryan, its Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled bills of the House Nos. 254, 228, 222, 256, 234 and 245.

The President and Secretary signed the bills.

A message from the House, by Mr. Ryan, its clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate, for the signatures of the President and Secretary thereof, enrolled joint resolution of the House No. 1.

The President and Secretary signed the joint resolution.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

Senate bill No. 163. An act relinquishing to William English, of Dearborn county, the interest acquired by the State of Indiana by escheat, in and to in-lot No. 33, in Rossville, in said county.

A message from the Governor, by Mr. Osborne, Executive Messenger:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

House bill No. 175. An act to amend section 4 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said court in certain cases.

Senate bill No. 203. An act to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers.

Senate bill No. 103. An act to prohibit the collection of tolls on gravel, turnpike, McAdamized and plank roads in certain cases, and to provide the mode of declaring the charters of such roads forfeited, and repealing all laws inconsistent therewith.

Senate bill No. 263. An act to fix the time of holding the court of common pleas in the county of Wabash, and the length of the terms thereof.

Senate bill No. 153. An act to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject.

Senate bill No. 69. An act containing some general provisions respecting the sinking fund, its management and control, and to legalize and give validity to certain bonds therein named, and to authorize the debtors of the branches of the State Bank of Indiana to secure to the sinking fund a portion of their indebtedness.

Senate bill No. 251. An act supplemental to an act entitled "an act fixing the time of holding courts in the eleventh judicial circuit, and prescribing the length thereof in each county thereof," approved January —, 1859.

Senate bill No. 208. An act to amend the first section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified votes shall be ascertained.

House bill No. 223. An act to provide for the return of the jury in the common pleas courts at the third day of the term.

House bill No. 279. An act to empower plank road companies to sell and convey their real and personal estate.

House bill No. 89. An act to amend the 3d section of an act to incorporate the town of Peru, approved February 14, 1848.

House bill No. 193. An act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries.

House bill No. 258. An act to repeal the fifth section of an act

entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and connecting roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed,' approved February 23, 1853,

House bill No. 306. An act for the relief of John M. Shirey.

House bill No. 167. An act to provide for the fees of sheriffs in conveying convicts to the State prison, and providing punishment for violations hereof, and to repeal all laws in conflict herewith.

House bill No. 117. An act to amend section fifteen, and to repeal sections twenty-seven to thirty-eight inclusive, of an act entitled 'an act to provide for the opening, vacating and change of highways,' approved June 17, 1852, so as to give boards of county commissioners jurisdiction as to the change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees under said sections so repealed to the boards of county commissioners, and providing for the disposition thereof.

House bill No. 141. An act to authorize the formation of limited partnerships and fixing the liabilities of the several partners and prescribing the proceedings against them.

House bill No. 201. An act to amend the seventh section of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved January 7, 1852.

House bill No. 295. An act to provide for the erection of a new prison North of the National Road, election of officers therefor, making appropriations, and for the regulation of the same.

House bill No. 35. An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act and prescribing penalties for violation thereof.

House bill No. 325. An act to fix the time of holding the Cass court of common pleas.

House bill No. 304. An act to amend the first section of "an act authorizing the construction of plank, macadamized and gravel roads;" approved May 12, 1852.

House joint resolution No. 24. A joint resolution in relation to the settlement, adjustment and collection of the dues to the State from the various officers and persons indebted thereto.

House bill No. 322. An act authorizing the State Board of Agriculture to cause a geological reconnoisance of the State to be made, to make collections and analysis of specimens and making appropriations therefor.

House bill No. 203. An act to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

House bill No. 298. An act to provide for laying out and repairing highways upon the line between Indiana and adjoining States.

House bill No. 262. An act to repeal "an act to prevent railroad companies from changing their depots, except on conditions therein named," approved March 4, 1853.

On motion,

Leave of absence was granted to Mr. Johnston for the remainder of the session after to-day.

On motion by Mr. Green,

The following message from the Governor was taken up:

A message from the Governor by Mr. Osborne, Executive Messenger.

Gentlemen of the Senate:

I return to you enrolled bill No. 28 of the Senate, entitled "an act to provide for the safe-keeping of the bonds, mortgages and other securities entrusted to the care of certain officers herein mentioned, defining certain felonies and misdemeanors and prescribing punishment therefor, and providing for certain evidence on the part of the State," without my approval.

Experience has demonstrated that there is great necessity for guarding, by stringent laws, the securities and moneys entrusted to public officers. The only guaranty that the State has ever had that they would return the securities and moneys entrusted to their keeping has been their integrity and bonds. At no time has any one of them been authorized to loan any portion of the public moneys or to convert to his own use any security or bond deposited with him.

On the contrary they now are and ever should be held responsible for all they received. But so long as the State provides for them no safe place of deposite for its funds and requires of the officers that a bond shall be given for their payment, it is wrong by law to make them guilty of a felony if they deposite the securities and moneys of the State where they believe they will be secure.

ASHBEL P. WILLARD.

The question being, shall the bill pass, the objections of the Governor to the contrary notwithstanding?

Those who voted in the affirmative were,

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Cravens, Culver, Gooding, Green, Hamilton, Hargrove, Johnston, Jennings, Jones, Kinley, Line, March, Murray, O'Brien, Odell, Rice, Robinson, Steele, Studabaker, Tarkington, Turner and Wagner—29.

Those who voted in the negative were,

Messrs. Lomax, McClure and Miller—3.

No quorum voting.

Mr. Cravens offered the following resolution:

Resolved, That it is the opinion of the members of this Senate now present that a great misfortune has befallen the country in consequence of premature absence of so many of its members, leaving it without a quorum competent to the transaction of business, and thus preventing the passage of the act for the protection of the treasury, which has been returned to the Senate by the Governor with his reasons for withholding his approval, and believing as we do that the reasons assigned by his Excellency are not sufficient to change the opinion of any man in this Legislature on the subject of throwing safe-guards around the public treasury, we hereby express our unqualified disapprobation of the practice of leaving the Senate without a sufficient number to transact its necessary business.

Resolved further, That we equally deprecate the hasty departure of the members because it leaves the country without much of the necessary legislation which could have been matured had we not thus been left without the constitutional quorum.

Mr. Carnahan demanded a call of the Senate.

The Secretary proceeded with the call,
Whereupon the following Senators answered to their names:

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb,

Cravens, Culver, Gooding, Green, Hamilton, Hargrove, Johnston, Jennings, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Studabaker, Steele, Tarkington, Turner and Wagner—32.

Senators Cooper, Fisk and Wallace were excused on account of sickness.

Mr. March offered the following resolution:

Resolved, That the Doorkeeper be directed to telegraph immediately for the absent Senators whose residence is within such distance that they can return to the Capitol on Monday.

Which was agreed to.

On motion by Mr. Cravens,
The Senate adjourned.

MONDAY MORNING, 9 o'clock,
March 7, 1859.

The Senate met.

The reading of the Journal of Saturday was dispensed with.

A message from the House by Mr. Ryan, its Clerk.

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

Resolved, That a committee of three be appointed on the part of the House to act with a similar committee on the part of the Senate to wait upon His Excellency, the Governor, and inform him that this General Assembly has been in session the length of time fixed by the Constitution and are now about to adjourn *sine die*, unless he has

some further communications to make, and that the Senate be informed of the passage of this resolution,

And that Messrs. Boyd, Sherman and Dougherty have been appointed as said committee on the part of the House.

In which the concurrence of the Senate is respectfully requested.

Mr. Studabaker moved to concur in the resolution of the House.

Which was agreed to, and

The President appointed Senators Carnahan, Line and O'Brien.

A message from the Governor by Mr. Osborne, Executive Messenger.

Mr. President:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills:

Senate bill No. 106. An act to provide for purchasers of real estate at sheriff's sales under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the revised statutes of 1852 took effect, and where such sureties, being the owners of such real estate, had sold and conveyed the same after becoming such recognizors, but before judgment of forfeiture thereof had been taken.

Senate bill No. 156. An act authorizing the purchasers of railroads, plank roads, turnpike roads, and McAdamized roads, or parts thereof, under mortgaged sale or sales, made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties.

House bill No. 341. An act making specific appropriations for the year A. D. 1859.

House bill No. 188. An act supplement to an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act.

House bill No. 254. An act making the register of sales of Michigan road lands and certified copies of entries therein evidence, and declaring the effect thereof, and making the records of patents and certificates of purchase, and other evidence in writing, of the sale of real estate, and certified copies of such records evidence, and declaring the effect thereof.

House bill No. 228. An act to provide for the collection of the

surplus revenue fund belonging to the counties of Dekalb, Lake and Wells on loan at the State Treasury, and for the payment of said fund out to the treasurers of said counties.

House bill No. 222. An act to amend section 42 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14th, 1853, so as to regulate the docketing and disposal of the business thereof.

House bill No. 256. An act to amend the 71st section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

House bill No. 234. An act to amend the 4th, 27th, 107th and 143d sections of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," and repealing all laws and parts of laws in conflict with this act.

House bill No. 245. An act to authorize deeds and mortgages heretofore acknowledged before county auditors to be recorded, and authorizing the same, and also, the record thereof to be read in evidence, making such record notice to third persons, and making such conveyance valid.

House bill No. 21. An act providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same.

Mr. Green offered the following resolution:

Resolved, That the thanks of the Senate are due to the Hon. A. A. Hammond for the able, courteous and impartial manner in which he has presided over this body, during the present session.

Which was unanimously adopted.

Mr. Rice offered the following resolution:

Resolved, That the thanks of the Senate are hereby tendered to James H. Vawter, Principal Secretary, James N. Tyner, Assistant Secretary, and their several assistants, for the prompt, efficient and highly satisfactory manner in which they have discharged their official duties, during the present session.

Which was unanimously adopted.

Mr. Green offered the following resolution:

Resolved, That the thanks of the Senate are hereby returned to the Principal and Assistant Doorkeepers, and their employees, for the manner in which they have discharged their respective duties.

Which was unanimously adopted.

Mr. Carnahan, from a select committee, made the following report:

MR. PRESIDENT:

The committee appointed to wait upon His Excellency, the Governor, have performed that duty, and would respectfully report that we are informed by His Excellency that he has no further communications to make to this General Assembly, and that his best wishes attend each member of this General Assembly in their final separation.

Mr. Miller presented the following protest:

MR. PRESIDENT:

Upon examination I find myself noted on the Journal of Friday last as present when the vote was taken on House bill No. —, "a bill regulating the prices paid for public printing," &c. When that bill came up for passage I stated to the Senate that not having examined its provisions it was impossible for me to vote understandingly on the subject. A bill had passed both Houses increasing the salaries of all the other State officers, and being a friend of the State Printer, I was unwilling to assist in the passage of an act discriminating to the prejudice of one particular officer, I therefore begged that the bill be passed over to the following day, which would give me an opportunity to examine its provisions. No attention was paid by the Senators present at the time to my request and I consequently left the Senate Chamber. Notwithstanding this I am recorded as present when the vote was taken. I therefore demand the correction of the Journal, and if that is not done I require that this, my protest, be spread upon the Journal, that the facts in the case may thus appear.

HUGH MILLER.

Mr. Jennings presented the following protest:

MR. PRESIDENT:

Upon examination I find myself noted on the Journals of Friday last as present when the vote was taken on House bill No. —. For

the reasons presented by the Senator from Fulton, I was not present, being outside of the bar, when the roll was called, when, under the rules of the Senate and according to all parliamentary usage, I was not entitled to vote. The Journals are therefore false and I demand their correction. If this is not done, I shall require that this, my protest against this false record, be spread upon the Journals.

W. H. JENNINGS.

March 7th, A. D. 1859.

Mr. Gooding presented the following protest:

MR. PRESIDENT:

I respectfully submit the following protest: On Tuesday, 15th ult., a rencounter occurred on the floor of this Senate, between Senator Heffren and myself. The facts connected therewith I will not now dwell upon. It is due to myself that I say that I avoided that unfortunate difficulty to the full extent that my self-respect and feelings would permit. I well knew the odium that would attach to my course, be it what it might. That my enemies at home and elsewhere, were intent upon goading and driving me into acts of rashness and violence, or to disgrace and humiliate me before the country. I did not entertain a doubt, nor have I had any occasion to change my opinion from subsequent developments, that my course on the Lecompton and Bank questions had much to do in determining the course of my enemies, no one acquainted with all the facts can question.

I am not greatly surprised at the report of the committee, when I recollect that of the five Senators composing it, two were and are personally unfriendly to myself, to-wit: Messrs. Tarkington and Murray, Mr. Wallace not joining in the report.

Under these circumstances it is not strange the majority of the committee could not discriminate between the conduct of the Senator from Washington and myself, but regarded us as equally censurable. I would not here impugn their motives.

The anxiety manifested to the Senate, by Senators Tarkington and Murray, for the passage of the resolutions of censure, is remarkable, Senator Tarkington strangely happening to be in the chair as President of the Senate, just at the time when Senator Murray was making the report. The haste with which he (Tarkington,) declared the report concurred in by the Senate, seems marvelous. Taken in connection with the subsequent motions and speeches of the two leading spirits of the committee, it would seem that the majority of the committee had determined to engineer their report through the Senate.

They may have thought they were discharging a high public duty. I do not call in question either their motives or their right so to do, but I do question the fairness of pressing a vote of the Senate without the reading of the testimony. For what purpose was it taken if not to be read by Senators or in the Senate, before judgment

thereon? Why was it kept back until many Senators had gone home?

The majority report very kindly volunteers the suggestion to my constituents, that the representative is a "type of his constituents," accompanied with an intimation that they may suffer in character by sending such an one as myself to the Senate, for which I have no doubt they will feel profoundly thankful to that committee, all of which I understand to mean that when insulted and assaulted in the Senate, I may not resent nor defend myself, lest a committee read my constituents a lecture as to who they ought to elect as their "type." But the committee indict me for carrying in the Senate deadly weapons for self-defense only, as the testimony shows, and under advice of friends, but this the committee forgot to state in their report; they also forgot to state that I neither used nor attempted to use any weapon except my fist.

The committee also read the Senate a lecture by saying that it is "partly censurable for the result." Why then was no resolution reported declarative of that fact, that a *test vote* might be had thereon. Perhaps, after having censured itself, it would have been less disposed to indiscriminately censure individuals. But I must close this my protest, against the course and recommendations of that committee, which have not as yet been indorsed by a majority of the members of this Senate, and which, I am satisfied, never could receive their approval, by declaring that I am not conscious of having done anything inconsistent with my duty and a due respect for good order and decorum in the Senate, or out of it, having acted on the defensive in words and acts, having erred, if at all, in not more promptly defending myself, when the Senate failed to defend me. Under these circumstances and facts I shall not now resign the remnant of my term, but will stand ready to receive whatever penalty may attach to my conduct, and will not attempt to avoid it, by a hasty resignation, neither do I consider the opinion of that committee of sufficient importance to drive me from my duty to my constituency. It is but just to the committee however, to say that none of them communicated to me, in advance of their report, what it would be; it seems that this was done to Senator Heffren. It is also just to the committee as well as to myself, to state two important facts, which the committee failed to state, to-wit: That it refused to permit me to prove that the words published in the Sentinel and grossly offensive to me, were not spoken in the Senate, and that it also refused to allow either of my brothers to testify in my behalf before the committee.

All of which is respectfully submitted,

DAVID S. GOODING.

Mr. Line moved a call of the Senate.

The Secretary proceeded with the call.

Whereupon the following Senators answered to the call:

Messrs. Anthony, Bennett, Blair, Bobbs, Brown, Carnahan, Cobb, Cravens, Culver, Gooding, Green, Hamilton, Hargrove, Jennings, Jones, Kinley, Line, Lomax, McClure, March, Miller, Murray, O'Brien, Odell, Rice, Robinson, Steele, Studabaker, Turner and Wagner—30.

Messrs. Cooper, Fisk, Johnston and Wallace were excused.

The following message from the House:

MR. PRESIDENT:

The undersigned, appointed a committee by the House of Representatives to inform the Senate that the business, for which we have met, has been gone through with, and the length of time fixed by the constitution having expired, the House of Representatives, the Senate concurring, is now ready to adjourn *sine die.*

CHRIS MILLER,
JOS. B. FORDYCE,
N. McLAIN.

Mr. Green moved that the Senate adjourn.
Which was agreed to, and

The President, after a few appropriate remarks, adjourned the Senate *sine die.*

JAMES H VAWTER,
Principal Secretary.

JAMES N. TYNER,
Assistant Secretary.

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1	A bill to amend the 6th, 7th, 12th, 19th and 20th sections of "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852, and providing for the opening decrees in the cases therein specified and the time when this act shall take effect.	48	157, 158, 159, 209, 210 [211, 250, 253, 254	254				C nner.
2	A bill regulating the choosing of United States Senators by the General Assembly, specifying the time, place and mode of such choosing, providing for the designation of such Senator by the people, and prescribing the duties of certain officers in connection with such designation and choosing	42	159 213, 305, 346, 347 [418, 419, 451, 503 [534, 643, 672, 707	707		707		Wallace.
3	A bill attaching the counties of Hancock, Madison, Hamilton and Tipton to the seventh judicial circuit, and fixing the time of holding circuit courts in said circuit, and also repealing all laws conflicting therewith	42	42, 94	94	346	95	360	Green.
4	A bill to amend the 73d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Auditor and Treasurer of State," approved June 21, 1852	43	159, 429, 430					Studabaker.
5	A bill to amend the 1st section of an act entitled "an act concerning interest on money"	43	159, 160, 523, 534, 895 [949					Bennett
6	A bill to provide for the safe-keeping and disbursing of the public revenues of the counties and State, and fixing the salary of Treasurer of State	43	160, 579, 602, 692					
7	A bill to prohibit the issue of unauthorized paper currency, and broken bank bills and prescribing the punishment therefor	43	160, 355					Tarkington.
8	A bill to amend section 1st of an act entitled "an act concerning real property and the alienation thereof," approved March 6, 1852	43	43, 44	44				Ham lton
9	A bill for the creation of townships, election trustees, duties of township trustees, mode of assessing township tax, and doing township business	44	160, 161, 162, 751					Hargrove.
10	A bill to regulate and restain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all laws conflicting with the provisions of this act	45	357, 358, 360, 361, 362 [363, 365, 860, 911, 912	912				Fisk.
11	A bill to organize a Board of Commissioners of the Sinking Fund, and define their powers and duties	45	162					Bobbs.
12	A bill declaring the taking of unlawful interest a misdemeanor, and prescribing the punishment therefor, and repealing all laws in conflict therewith	45	162					Heffren.

BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings	Approved.	By whom Introduced
13	A bill to amend the 20th, 28th, 32nd, 35th and 51st sections of an act entitled "an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant," approved May 29, 1852.....	45	163, 224, 434	435				Turner.
14	A bill to amend the 1st section of an act entitled 'an act to amend the 5th section of 'an act for the more uniform mode of doing township business,' approved March 1, 1853, and to amend sections 6, 7, 11 and 12 of an act entitled 'an act for the more uniform mode of doing township business,'" approved May 6, 1852.....	45	164					Blair.
15	A bill to amend the 103d section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.....	45	164, 220					Murray.
16	A bill to amend the 1st section of an act to amend the 1st section of "an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and ledgerdemain," approved June 15, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers, approved March 7, 1857.....	46	165, 457, 535	535				McLean.
17	A bill to provide for the partition of real estate and for laying the same off into lots, out-lots, streets and alleys, and for the sale thereof, and also to provide when the same shall take effect.....	144	165, 209, 435	435	962	965	964	Conner.
18	A bill authorizing any corporation, under the general laws of this State, to borrow money and secure the re-payment hereof by mortgage.....	145	165, 362, 535					Hamilton.
19	A bill to provide for an enumeration to be made of all the white male inhabitants over the age of twenty-one years in the year 1860, and every six years thereafter.....	145	166, 221, 535	536				Green.
20	A bill providing for and regulating the payment of the costs occasioned by the prosecution and conviction of persons charged with felonies, and punished by imprisonment in the State Prison.....	145	166, 221, 222					Wallace.
21	A bill to prevent the issuing and circulation of unauthorized paper currency, and to prescribe a penalty for the issuing or failure to redeem any such currency...	145	166					Heffren.
22	A bill to prevent the intermarriage of first cousins defining the duties of clerks of the circuit courts in issuing license, and providing punishment for a violation of the act.....	145	166, 454					Hill.
23	A bill to fix the times of holding the terms of the court of common pleas of the counties of Allen and Adams, and to repeal all laws in conflict therewith.....	145	166, 536, 613	613				Studabaker.

24	A bill to incorporate the "International University"	146	166, 536 [468, 536, 653 [416, 437, 439, 466 [309, 333, 334, 336					Turner.
25	A bill to provide for the redemption or purchase of the bank bonds, and Indiana and other State stocks, and United States Stocks, providing for the manner of doing the same, and defining the duties of certain officers in connection therewith	147	166, 223, 225, 234, 250	653	757	653, 781	832	Bobbs.
26	A bill to amend the 9th section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852	146	166					Anthony.
27	A bill to amend section 63 of "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852	146	167 537	537				Hargrove.
28	A bill to provide for the safe keeping of the public money, and of the bonds and securities entrusted to the care of certain officers herein mentioned	146	167, 538	539	884	884, 909, 1058, [1059		Tarkington.
29	A bill to exempt personal and real property from forced sale on execution, establishing the amount and prescribing the duties of the officers mentioned therein.	146	167, 269, 372					Brown.
30	A bill to provide for the transferring of the certificates of stock of the State of Indiana; providing for a registry of the same and to prevent a fraudulent issue thereof, and providing a punishment for the violation of the provisions of this act	147	167, 239	239	948	948	1049	Heffren.
31	A bill to suppress the publication of lotteries, and defining the punishment therefor	147	167					Beeson.
32	A bill for the better protection of growing cranberries and prohibiting the sale or purchasing the same within the time specified therein, and prescribing the punishment for the violation thereof	147	167, 224, 539	539				Frown
33	A bill to tax dogs, and indemnify the owners of sheep killed or injured by dogs or wolves	147	168, 237, 539, 540, 895 [942					Fisk.
34	A bill making certain acts therein named misdemeanors, and providing for the punishment thereof	147	168					Steele.
35	A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a more uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	147	168, 222					Bennett.
36	A bill to amend the 6th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt certain property therein named from taxation	148	168, 223, 540	540				Rice.
37	A bill to amend the 4th section of "an act to provide compensation to the owners of animals killed or injured by cars, locomotives or other carriages of any railroad company of this State," approved March 1, 1853	148	168, 371					Culver.
38	A bill to enable industrious indigent persons, who are unable to give security, to rent lands, and to secure the payment of rent	148	168, 239, 597	597		598		Carnahan
39	A bill to amend "an act providing for the election of clerks of the circuit court, and prescribing some of their duties," approved June 7, 1852	148	169, 353, 599	599				Lomax.
40	A bill to amend section 151 of "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State" approved June 21, 1852	148	169, 599	660				Conner.

BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom Introduced.
41	A bill to separate the law books from the State Library, and constituting the same as the law library of the State of Indiana, and for the management and government of the same, and repealing conflicting laws	149	169, 629, 707	707				Green.
42	A bill to repeal an act entitled "an act to establish a bank with branches."	149	169, 204, 205, 317, 318					Conley.
43	A bill to amend the 23d section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852		[319, 323, 397, 398, 400 [402, 403, 433, 434					
44	A bill to change the time for the election of members of Congress, and to provide for their election	149	205, 396					Williams.
45	A bill to provide compensation to the owners of animals killed or injured by the cars locomotives or other carriages of any railroad company in this State	149	205, 417, 418, 600					Wagner.
46	A bill to amend section 4 of "an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana	149	205, 368, 369 370, 371 [600, 601, 617, 618, 708	708		709		Craven.
47	A bill to repeal an act entitled "an act for the protection of wild game, defining the time within which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857	150	205, 223, 695	695				Wallace.
48	A bill to repeal "an act for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana"	150	296					Cobb.
49	A bill fixing the time of holding courts in the Fifth Judicial Circuit and repealing all laws in conflict therewith	150	245, 668, 708, 873					March.
50	A bill to amend the 17th section of an act entitled "an act concerning the partition of lands," approved May 20, 1852	150	240, 382, 422	422	445	445	481	Bobbs.
51	A bill for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people	151	245, 330, 643	643				Hargrove.
52	A bill to provide a site and plans for a State house of refuge, for the correction and reformation of juvenile offenders, creating a board of commissioners for the same, defining their duties and those of certain officers therein named	151	245, 644	644	827		902	Wagner.
53	A bill to authorize county commissioners to award compensation to persons who may bring to justice fugitives from the same	151	246, 651					Bobbs.
54	A bill to amend an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857	151	245, 3 8, 644 645, 687 [779, 838					Carnahan.
55	A bill to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State,	154	245					Wagner.

	to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	154	245, 332, 694	695				Conner.
56	A bill to amend sections 1 and 27 of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved June 18, 1852	154	246					Blair.
57	A bill authorizing township trustees to establish water courses and locate ditches in certain cases, and for the benefit of agriculture	154	246, 406, 695					Hill.
58	A bill establishing a board of Sinking Fund Commissioners, providing for the election and appointment of the officers thereof, prescribing the powers and duties of said board, and limiting the salary of the president and clerk of the board	155	293, 651, 709	709		709		Turner.
59	A bill supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855	163	293, 582, 695					Wagner.
60	A bill fixing the times of holding courts in the Eleventh Judicial Circuit and prescribing the length in each county thereof	165	165, 239	240	298	301	339	Slack.
61	A bill to amend the 3d section of an act entitled "an act for the government and discipline of the State prison, and to repeal an act entitled "an act for the government and discipline of the State prison," approved March 3, 1855, and all other laws or parts of laws inconsistent therewith," approved February 5, 1857.	198	293, 408, 726, 941, 944					Hill.
62	A bill for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of the said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto	198	293, 294, 308, 351, 352, [698	698	827		850	Tarkington.
63	A bill to amend the 5th section of an act entitled "an act to provide for the equalization and appraisement of the real property of the State of Indiana," approved May 28, 1852	198	293, 300, 487	487	958	958, 1017	1048	Wilson.
64	A bill to render public officers competent to testify as witnesses in actions brought on their relation in the name of the State	199	294, 331, 696	696				Jones.
65	A bill defining the crime of embezzlement, and providing for the punishment of offenses committed under this act	199	291					Weir.
66	A bill to authorize the Auditor of State to declare and pay final dividends on the circulating notes of the banking associations organized under an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852	199	340					Bennett.
67	A bill requiring the superintendents of the several asylums to report the number of patients who are the offspring of parents married within the degrees of consanguinity	199	294, 650, 696	696				Turner.
68	A bill to amend the 9th section of an act entitled "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties," approved March 7 1852	199	294, 331, 697	697				McLean.
69	A bill to legalize all bonds and other instruments in writing executed by any assignee of a branch of the State Bank of Indiana, and authorize suits to be brought thereon, and to empower the debtors of any branch to secure the same to the sinking fund	200	294, 295, 407, 646	646	1041	1041		Steele.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
70	A bill supplemental to "an act concerning county prisons," approved May 27, 1852, and to authorize the establishment of work-houses, and the confinement of certain persons therein at labor	200	295, 407, 504, 697, 704 [705	705				Heffren.
71	A bill to incorporate the Indiana School of Practical Sciences	200	295, 353					Carnahan
72	A bill to repeal "an act to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852, which was approved March 4, 1853	200	295					Goodlog.
73	A bill to provide for the collection of taxes assessed against lands and lots mortgaged to secure loans made by the sinking fund, surplus revenue fund, congressional township fund, seminary fund, college, and any other public or trust fund, to prevent loss of the securities held by said funds, and to repeal the 8th section, of chapter 6, of Revised Statutes of 1852	200	295, 697	698				O'Brien.
74	A bill declaring certain places in which spirituous and intoxicating liquors are kept or sold to be nuisances and providing for the abatement of the same	201	295, 831, 832					Kinley.
75	A bill to amend the 9th and 35th sections of "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855	201	295, 296, 479, 699					Johnston.
76	A bill for the distribution, safe-keeping and investment of the sinking fund, as set apart and constituted by "an act establishing a State Bank," approved January 28, 1834, and to provide for the purchase of bonds, and the duties of certain officers in relation thereto	201	296					Studebaker.
77	A bill to amend the 18th section of an act entitled "an act concerning real property and the alienation thereof"	201	296, 332, 711	711	965	1016	1013	McClure
78	A bill to amend the 16th section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852	201	296, 709, 710					Beeson.
79	A bill to extend the time of payment to purchasers of saline and school lands	201	296, 573, 574, 710	710	1016		1018	Lomax.
80	A bill to amend section 2d of an act entitled "an act to authorize the Commissioners of the Sinking Fund to receive substitution of stock, mortgages, and for other purposes," approved January 28, 1857	202	296, 297, 367					Fisk.
81	A bill fixing the compensation of executors and administrators, and to repeal section 148, of chapter 10, volume 2, Revised Statutes of 1852	202	297, 383, 710	710				Hargrove.
82	A bill to amend the 196th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the							

	administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	202	302, 711		711				Anthony.
83	A bill to provide for, and secure the rights of married women in real property	202	302						Bobbs.
84	A bill fixing the time of holding courts of common pleas in the county of Huntington, and Wells, determining the length of the terms, and repealing all laws inconsistent therewith	202	246, 323		323	445	429	426	Slack.
85	A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof	203	303, 349, 561, 573, 703		825		826		Wagner.
86	A bill to amend the first section of an act entitled "an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties," approved March 5, 1852, and to define the degrees of consanguinity and affinity prohibited in marriage	203	[772, 795, 797, 798, 799 [800, 801, 802, 803, 824 [825 203, 454, 455, 456						Carnahan.
87	A bill to organize the militia, providing for the appointment, and dividing the militia into active and sedentary classes, and prescribing the duties and penalties of certain officers thereof	203							Brown.
88	A bill to amend the 3d and 4th sections of an act entitled "an act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved Feb 26, 1857, and also adding a supplemental section to said act of 1857	203	363, 515						Hill.
89	A bill to amend section 1 and repeal section 7, of "an act concerning interest on money," approved May 29, 1852	203	303, 452						Culver.
90	A bill to provide for the collection, safe keeping and disbursement of the public money, and fixing the salary of Treasurer of State	203	303, 402, 549, 550, 551 [627						Shoemaker.
91	A bill to provide compensation to persons who may bring to justice fugitives from the same	204	303, 308, 900, 945						Jones.
92	A bill to provide for a more uniform mode of doing township business	204	304						Shoemaker.
93	A bill to amend section 15 of an act entitled "an act to establish a bank with branches," approved March 3, 1855	204	304, 616						Hargrove.
94	A bill to amend the 6th section of "an act for the encouragement of agriculture," approved February 17, 1852	212	304, 712		712		712		Com. on Agriculture.
95	A bill to regulate and restrain the sale and disposal of spirituous and intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all former laws conflicting with the provisions of this act	216	216, 217, 702						Gooding.
96	A bill to regulate and restrain the retailing of spirituous liquors, and for the suppression of the evils arising therefrom	217	217, 702						Heffren.
97	A bill to prevent the retailing of spirituous and intoxicating liquors, to provide punishment for a violation thereof; also, provide for the duties, compensation and punishment of officers in relation thereto, and to repeal all former laws on the subject of vending spirituous and intoxicating liquors	218	218, 355, 703						Tarkington.
98	A bill to regulate and restrain the sale and disposal of spirituous or intoxicating liquors, to prevent drunkenness and crime, and to punish the same, and to repeal all former laws conflicting with the provisions of this act	218	218, 219, 703						Robinson.
99	A bill to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, and to repeal all laws and parts of laws in conflict with the provisions of this act	219	. [732, 733 304, 516, 712, 713, 731		733				Conley.
100	A bill to provide for the more uniform mode of doing township business	219	304						Wallace.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
101	A bill to authorize county treasurers to assess property which may be omitted by assessors, and to legalize assessments heretofore made by treasurers	219	304, 647	647	864	761, 762, 763, 764, 765, 766, 767, 768, 807, 808, 809, 819	910	Johnston.
102	A bill to amend the third section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof"	219	297, 299, 300, 336, 337, 374, 375, 376, 377, 378	379	760	850, 851, 852, 853, 854, 855, 856, 857, 858, 859		Wilson.
103	A bill to authorize county boards in certain cases to hear and determine complaints against plank, gravel, turnpike and McAdamized roads, and to declare their charters forfeited	224	304, 305, 670, 671	672	1016	909, 1051	1056	Odell.
104	A bill to prevent the taking of tolls on plank, gravel and McAdamized roads, and to prevent the removal of any material used in the construction thereof, and repealing section 10 of "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 21, 1852	224	305, 813, 814	814	940	814	1048	Miller.
105	A bill prescribing forms to be used in criminal cases	225	307, 331					Wagner.
106	A bill to provide for the relief of purchasers of real estate at sheriff's sales under executions issued on judgments against sureties on forfeited recognizances, where such recognizances had been taken after the revised statutes of 1852 took effect, and where such sureties being the owners of such real estate, had sold and conveyed the same after becoming such recognizors, but before judgments of forfeiture thereof had been taken	225	340, 750, 838, 839	839	1013	1051	1061	Heffren.
107	A bill to authorize appraisers of real property, and their deputies, to administer all oaths and affirmations required to be administered in the discharge of their official duties	225	251, 252	252				Studabaker.
108	A bill to amend sections 4, 5, 18, 21 and 22 of "an act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7, 1852, and repealing sections — and 30 of said act, and adding provisions supplemental thereto	225	340, 557, 558, 713, 913, 914					Rice
109	A bill to amend sections 1 and 2 of an act entitled "an act to provide compensation to the owners of animals killed and injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 2, 1852	235	479					Johnston.
110	A bill to prohibit clerks of the circuit and common pleas courts, and their deputies, from practicing law in the courts of which they are clerks or deputies, and from practicing law in the courts of this State	235	341, 367, 713					Cooper.
111	A bill to amend the 6th section of the 37th chapter of the revised code of 1852, respecting costs in criminal cases	235	341, 366					Fisk.

112	A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to provide a penalty upon city taxes after the third Monday in March, 1859	235	253, 383, 468	469		774	836	Bobbs.
113	A bill to provide for stationery and postage for members of the General Assembly of the State of Indiana, to provide for employing reporters, and the publication of the proceedings of the Legislature in certain newspapers, and to provide for the taking of the same	236	340, 554					Conley.
114	A bill to authorize the State Board of Education to purchase and place in the county and township libraries of the State copies of the Indiana School Journal.	236	341, 713, 714					Com. on education
115	A bill to amend the 326th section of article 18, of chapter 1, revised statutes of 1852, of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and form in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	240	341, 669, 670					Green.
116	A bill to fix the time of holding courts in the Second Judicial Circuit, and to repeal all laws in conflict therewith	241	241, 247	247	349	352	360	Heffren.
117	A bill to amend the 238th and 241st sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," and to provide for the examination and taking the depositions of parties as witnesses in civil actions and proceedings	241	341, 420, 421, 422, 727	727				March.
118	A bill to amend the 1st section of an act entitled "an act to apportion Senators and Representatives for the next four years," approved March 9, 1857	241	342					Murray.
119	A bill to amend section 5 of an act entitled "an act concerning the partition of lands"	242	342, 366, 727	727				Wallace.
120	A bill to amend an act entitled "an act to amend an act entitled 'an act defining misdemeanors, and prescribing punishment thereof,'" approved February 19, 1857	242	342, 367, 728					Bennett.
121	A bill to protect those who exhibit animals or articles at any agricultural exhibition, and to punish any person or persons who may be detected in the removal of any label placed on any animal or article put on exhibition, and to punish persons who may enter fair grounds or other places of agricultural exhibition contrary to the rules of the society regulating the admission of persons to the same	242	242, 372, 728, 730, 731	731				Line
122	A bill supplemental to an act entitled "an act to provide for the government and discipline of the State prison, and to repeal an act to provide for the government and discipline of the State prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857	243	342, 354, 614, 615, 728	728				Weir.
123	A bill to amend sections 142 and 143 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and repealing conflicting laws	243	342					Green.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
124	A bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State,"	243	342, 343, 788					Studabaker.
125	A bill to prohibit the sale of adulterated liquors, and the sale of intoxicating liquors, wine, cider, beer or ale to idiot, insane or intoxicated persons, or minors	248	240, 820					Johnston.
126	A bill to provide for a geological, mineralogical and agricultural survey of the State of Indiana	248	249, 481					Steele.
127	A bill to amend the 18th, 25th and 26th sections of "an act regulating descents, and the apportionment of estates," approved May 14, 1852	249	343, 420, 730	730				Blair.
128	A bill in relation to the publication of legal advertisements	249	343, 503, 734					Green.
129	A bill declaring the having of carnal knowledge of an insane woman in certain cases a felony, and prescribing the punishment therefor	249	363, 367, 734	734	1016		1049	Bennett.
130	A bill to prevent the sale of adulterated liquors, to prevent adulteration, and to prescribe punishment therefor	249	343, 384, 430, 431, 432 [840	840				Cooper.
131	A bill to amend the 207th and 208th sections of an act entitled "an act to revise, simplify and bridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venue in certain cases	251	251, 332, 333	333	965		1048	Heffren.
132	A bill for the protection of the Sabbath, with penalties for the violation thereof, and to repeal an act entitled "an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28, 1855	251	343, 344, 735	735				Green.
133	A bill respecting the removal of executors, administrators and guardians, and the appointment of commissioners to settle their trusts in certain cases	252	344, 502					Jones.
134	A bill providing for the assessment of taxes for township library purposes	301	344, 573, 647	647				Kinley.
135	A bill to provide for the issuing of fee bills and executions against sureties for costs in suits brought by non-residents in the circuit courts and courts of common pleas	301	340, 420					McClure.
136	A bill for the recovery of damages from any officer of this State, who shall illegally charge, demand or collect more than is legally due him as fees, and requiring such officer to receipt for all money collected	301	344, 735	735		736		Craven.

137	A bill to amend an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852	301	344, 503					Lomax.
138	A bill to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an assistant librarian and clerk	301	301, 488, 521, 736	736	965		1047	Gooding.
139	A bill entitled an act for the protection of side-walks in incorporated towns and villages within this State, and for the punishment of persons injuring or obstructing the same	302	302, 488, 736					Cobb.
140	A bill to amend section 161 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852	302	302, 488					Wallace.
141	A bill requiring the clerks of the circuit courts to keep a public record of moneys paid into their offices, and in relation to moneys now in their hands, belonging to said offices	302	302, 489, 499, 933					McLean.
142	A bill to amend the 6th, 8th, 9th and 14th sections of an act entitled "an act to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto," approved December 21, 1858, also defining the duties of appraisers and deputy appraisers, and the Auditor of State	339	339, 356	356	897	936, 1016	1013	Tarkington.
143	A bill to regulate and restrict the sale, barter or giving away of spirituous and intoxicating liquors, to be used as a beverage, and to prohibit the sale, barter or gift of the same to certain persons, under certain circumstances, and to punish any violations of any of the provisions of this act and declarative of the duties of district or city attorneys in relation thereto, and affixing the penalty for neglect or failure to discharge said duties	355	355, 408, 743, 744, 827 [828, 831, 869, 870	870				Temperance Committee
144	A bill to amend sections 8 and 9 of an act entitled "an act creating the 12th and 13th judicial circuits and providing for the election of judges thereof," approved February 9, 1855	373	374, 400, 401	402	438		436	Beeson.
145	A bill to provide for a more uniform mode of doing township business	409	409, 466, 473, 474, 475 [476, 477, 478, 525 [528, 529	529		529, 584, 585, 592 [602	612	Committee on Co. and Township Business.
146	A bill to provide for the publication of all acts and joint resolutions of the General Assembly, which contain an emergency clause, in weekly newspapers of the several counties of the State in which one is published, and the time that said act shall take effect	410	410, 489, 582, 583, 744	744		757		Conner.
147	A bill to distribute the interest and profits of the Sinking Fund to the use of the common schools of the State, and prescribing duties of officers in relation thereto, and for the punishment thereof	410	410, 489					Wagner.
148	A bill to repeal an act entitled "an act to prevent railroad companies from changing their depots, except on conditions therein named"	410	410, 489, 745					McClure.
149	A bill for the organization of the militia of the State of Indiana, classifying the same into active and sedentary, requiring the assessment of a tax for its support, prescribing the duties of officers, civil and military, in connection therewith, and repealing all former acts upon the subject	410	410, 411, 440, 780, 806 [886, 1018					Wallace.
150	A bill declaring the selling or conveying of land without title a felony, and prescribing punishment therefor	411	411, 491, 499, 747	747				Bennett.
151	A bill entitled an act to authorize appeals from the circuit courts within this State, to the supreme court in contested election cases	411	411, 515, 521, 745	745				Cobb.

BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
152	A bill to repeal the fifth section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or in adjoining States, and to connect their roads with the roads of said companies and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed	411	411, 491, 649, 746					McClure.
153	A bill to fix the time of holding courts of common pleas in the counties of Steuben and Dekalb, and to repeal all laws heretofore passed on that subject	411	411, 490, 745	746	1014	1051	1056	Thompson.
154	A bill requiring parties in civil suits to advance the fees of sheriffs in the cases therein specified	411	411, 491, 746					Jennings.
155	A bill to prevent the keeping of gaming, tippling, lewd or disorderly houses; to protect the public morals, define the duties of certain officers in relation thereto, to provide punishment for violations of this act, and to repeal all laws in conflict herewith	412	412, 492, 519, 840	840				Hill.
156	A bill authorizing purchasers of railroads, plank roads, turnpike roads and Mc Adamized roads or parts thereof, under mortgage sale or sales, made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties	412	412, 491, 575	575	1014	1054	1061	Cravens.
157	A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of the shares, and to issue certificates therefor	412	412, 899, 900					Heffren.
158	A bill concerning the jurisdiction of the person of the defendant in civil actions, not resident of the county or township in which the suit is brought	412	412, 491, 500, 839	839		839		Jones.
159	A bill for the relief of county treasurers	412	412, 492, 552					Wagner.
160	A bill to amend the fourth section of "an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General, of the State of Indiana," approved February 21, 1855	412	412, 492, 555					Williams.
161	A bill authorizing married women to dispose of their separate property, and legalizing contracts heretofore made by them in reference thereto	413	413, 492					Blair.
162	A bill to amend the 84th section of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such matters as properly pertain thereto	413	413, 492, 574, 749					Tarkington.

163	A bill relinquishing to William English of Dearborn county, the interest acquired by the State of Indiana, by escheat, in and to in-lot No. (33) thirty-three, in Rossville in said county	413	413, 493, 606, 748	748	1015		1055	O'Brien.
164	A bill to amend the 11th section of an act entitled "an act establishing courts of common pleas, and defining the jurisdiction, and duties of, and providing compensation for the judges thereof," approved May 14, 1852	413	413, 493, 610, 859, 860					March.
165	A bill to amend sections 14 and 15 of "an act defining felonies, and prescribing punishment therefor	413	413, 493, 519, 872	872				Bobbs.
166	A bill redistricting the State for courts of common pleas, defining its jurisdiction and powers, providing for the election, powers and compensation of its judges, and for certifying causes, and repealing an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852	413	414, 494, 705, 726					Tarkington.
167	An act to set apart one million of dollars of the assets belonging to the Sinking Fund, to meet the interest and principal of the bank bonds, and to provide for a distribution to the use of the common schools of a portion of the net earnings of said fund	414	414, 491, 552, 553					Jones.
168	A bill to prescribe the time, place and manner of electing United States Senators, and the manner of authenticating such elections	414	414, 494					March.
169	A bill granting the use of part of square 25, in Indianapolis, to the North-Western Christian University, and authorizing said University to increase its capital stock	414	414, 491, 502					Bobbs.
170	A bill to fix the times of holding the court of common pleas of the county of Marion, and prescribing the length of the terms thereof	414	414, 436, 437	437	437	439	453	Bobbs.
171	A bill to repeal the 9th section of an act entitled "an act to amend an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto, into one act, and to amend the same," approved January 15, 1849	423	423, 493, 574					Select Committee.
172	A bill to fix the time for holding the circuit court in the First Judicial Circuit, and repealing all laws in conflict therewith	423	423, 424	424	898	909	910	Cravens.
173	A bill to prevent the circulation of foreign bank bills or notes of a less denomination than five dollars	424	424, 494, 817, 818, 873 [874					Heffren
174	A bill fixing the time of holding the court of common pleas in the county of Hendricks and the length of the terms thereof, and repealing all laws in conflict therewith	424	424, 493, 601	601	940		1048	Blair.
175	A bill to regulate the sale of spirituous or intoxicating liquors, and to prescribe proper punishment for a violation of the same	424	424, 492					Lomax.
176	A bill to amend section eight and section ten of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852	425	425, 489, 502, 649, 650 [907	907				Conley.
177	A bill to amend the 18th section of an act entitled "an act to amend section 3 of an act entitled 'an act for the regulation of weights and measures,'" approved February 28, 1855	425	425, 489, 841					Conley.
178	A bill providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto	425	425, 490, 633, 634, 635 [639	639	962	639, 1017	1049	Shoemaker
179	A bill to provide for the dispatch of business by the Legislature during its sessions, and to provide for withholding pay from the members who unnecessarily absent themselves during its sessions	425	435, 490					Hendry.

BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
180	A bill to provide for a general system of registry of births and deaths throughout the State, describing the duties of certain persons and officers connected therewith, and affixing penalties, &c	425	425, 490, 872					Bobbs.
181	A bill to repeal all laws fixing the time of the commencement of the next term of the Hancock circuit court, and to fix the time of holding said court, and to require all parties, jurors, witnesses, and all others in interest to take notice thereof	426	427	427	463	471	473	Gooding.
182	A bill providing for an organization of circuit courts, the election of judges thereof, and defining their powers and duties, and matters properly connected therewith	441	442, 669					Anthony.
183	A bill in relation to the partition of real estate	442	442 492, 607, 872	873	965		1049	Slack.
184	A bill to amend the 8th section of "an act in relation to county treasurers," approved June 4, 1852	444	441, 493					Johnston.
185	A bill to amend the 6th, 22nd, 32nd, 78th, 79th 96th, 119th, and 194th sections, and to repeal section 99 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and to provide for the assessment and taxation of banks, brokers, stock jobbers, insurance companies, trust companies, savings institutes, gas companies, and other joint stock compsnies whose taxation is not specially provided for, and the assessment of personal property by county auditors and treasurers, and prescribing the duties of officers therein named	445	446, 579, 602, 874	874		876		Tarkington.
186	A bill to amend the 2d section of an act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location	447	447, 504	875		949, 950, 953, 954		Hendry.
187	A bill to authorize the Bank of the State of Indiana to lay off and create six additional bank districts, and to locate and establish branches therein	458	458, 495, 616, 617, 650	699		699		Wagner.
188	A bill to provide for oral argument and speedy decision of causes in the supreme court, and to repeal all laws inconsistent with this act	458	[651, 656, 673, 674, 675 458, 517, 875 [698	876				March.
189	A bill prescribing the length of residence in a county and township necessary to constitute a person a legal voter therein; defining a violation of the provisions of this act to be a misdemeanor, and prescribing the punishment therefor, amending sections 21 and 22 of an act entitled "an act regulating general elec-							

	tions, and prescribing the duties of officers in relation thereto." approved June 7th, 1852. and repealing all laws in conflict herewith	458	458, 495, 613						Cooper.
190	A bill to authorize the formation of companies for the detection of horse thieves and other felons, and defining their powers	458	458, 495, 752, 753, 876						Lomax.
191	A bill to amend the 38th section of an act entitled "an act defining felonies and and prescribing punishment therefor," approved June 10. 1852	458	459, 495, 502						Heffren.
192	A bill regulating the public printing of the State of Indiana. and fixing the compensation therefor, and prescribing the duties of certain officers therein named.	459	459, 576, 578, 615, 620 [621, 675, 676, 677	677		677			Stevens.
193	A bill to regulate the sale of spirituous and intoxicating liquors, and prescribing penalties for a violation of this act	459	459, 460, 461, 462	462					Carnahan.
194	A bill requiring a debtor claiming the benefit of "an act to exempt property from sale in certain cases," approved February 17, 1852, to furnish any officer having an execution against the property of the debtor. a schedule under oath or affirmation of all the property held by him, and by others in trust for his benefit and designate thereon the property selected by him as exempt under said law, and prescribing a penalty for a refusal to comply with said requirement	463	463, 495, 500						Miller.
195	A bill to enable married women to make wills	463	463, 496, 499, 875	875					March.
196	A bill to amend section 1, of article 8, of the constitution of the State of Indiana.	464	464, 496						Line.
197	A bill to amend an act entitled "an act establishing the bank of the State of Indiana, authorizing it to establish branches, to continue as such for the term of twenty years from the date of its organization, and for such longer period thereafter as shall be necessary promptly to close its business." passed on the 3d of March, 1855, the Governor's objections to the contrary notwithstanding	464	464, 496						Robinson.
198	A bill to provide for the taxing and collection of docket fees in certain cases, and the payment of the same to the State and county treasurers	464	464, 496, 609						Shoemaker.
199	A bill to authorize and empower clerks of the circuit court and clerks of the court of common pleas of the several counties in this State to enter satisfaction of record of all mortgages that may have been foreclosed and judgment rendered thereon and shall have been satisfied in such courts	465	465, 496, 518, 877, 878	878					Studabaker.
200	A bill to amend section 14 of an act entitled "an act to limit the number of grand jurors, and to point out the mode of their selection. defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 1852, so as to give cognizance of misdemeanors to grand jurors	465	465, 497, 498						Tarkington.
201	A bill to require surviving partners to give bonds, file inventories, and make reports of their proceedings to the court having jurisdiction of decedents' estates	474	474, 488, 666, 667	667		668, 1017		1048	Conley.
202	A bill supplemental to article 9. regulating attachments, chartered of the revised statutes of 1852, of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State. to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." approved June 18, 1852	474	474, 497, 518, 878	878					Green.
203	A bill to provide for the election of trustees and commissioners for the benevolent institutions of the State. and prescribing some of the duties of such officers	474	474, 491, 598	598	863			1056	Cravens.
204	A bill to amend an act entitled "an act to provide for the election, and prescribing certain duties of recorders. "approved May 31. 1852	480	480, 595, 879	879					Anthony
205	A bill to repeal all laws now in force establishing the time of holding courts in the common pleas district composed of the counties of Washington, Harrison, Orange and Crawford, and to fix the times of holding said courts	480	480, 586, 594, 596, 679	679					Lomax

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
206	A bill to amend section 24 of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852	480	480, 596. 609, 879	879	1015		1047	Cobb.
207	A bill relative to the salaries of the judges of the supreme and circuit courts, and of the prosecuting attorneys of the several judicial circuits, and the manner of reimbursing the State against the expenses of the judiciary	480	480, 663, 663, 661, 665 [666	666		666		McLean.
208	A bill to amend the 1st section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857, so as to allow new counties to be formed out of territories of less than 4 0 square miles, and prescribing how the number of qualified voters shall be ascertained	480	480, 603, 693, 880	880	1046	1047		March.
209	A bill to amend the 1st section of an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852	480	480, 481, 603, 905, 906	906				Brown.
210	A bill to repeal an act to amend an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852	484	484 603, 663, 880	880		881		Murray.
211	A bill to regulate the business of foreign insurance companies within the State of Indiana, and prescribing the duties of such companies, and to repeal an act entitled "an act to amend an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved March 2, 1855	487	487, 603, 624, 849	850		850		McLean.
212	A bill releasing the right of the State of Indiana to redeem the Wabash and Erie canal, and granting permission to the trustees thereof, or to rent or lease the same, and matters properly connected therewith	500	500, 579, 612, 613, 636	700		700, 704		Com. on Canals and Internal Improvements.
213	A bill to amend sections 50, 65 and 66 of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852	504	[634, 677, 678, 683, 684 [685, 686, 700 504, 603, 657, 658, 662 [665, 943	943		943		Blair.
214	A bill to amend section 18 of an act entitled "an act providing for the election of justices of the peace, and defining their powers and duties in civil cases"	504	505, 604, 652					Conley.
215	A bill authorizing the voters of townships to vote a tax to finish unfinished railroads running through the township	505	505, 604, 791, 881					Craven.
216	A bill to amend the 79th and 18th sections of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 5, 1855	505	505, 604					O'Brien.
217	A bill to provide for the enlargement of the State Prison, and providing duties of officers in relation thereto, and punishment for violation thereof, and making appropriations for the enlargement thereof	505	505, 506, 901					McLean.

218	A bill to define the meaning of the Constitution, and to prevent the importation of illegal voters, and to prescribe punishment therefor	506	506, 604					Slack.
219	A bill to amend an act approved January 27, 1847, entitled "an act to amend an act entitled 'an act to incorporate the Eel River Seminary Society,' approved January 1, 1829, and for other purposes," to amend the second section of said act, to repeal the 3d, 5th and 8th sections, to clothe said society with additional powers, to provide for the increase of stockholders, the election of five trustees as sole managers of the affairs of said society, and their term of office, and the effect of a failure to elect, and to confirm the act of the board of commissioners of Cass county, in releasing to the stockholders of said society all the interest of the county in the society's property and revenues, and releasing all claims of the State thereto, and releasing the corporation from the operation of the act requiring the sale of county seminaries, and legalizing the proceedings of said corporation	560	560, 848	848				Judiciary Com.
220	A bill to authorize circuit courts and courts of common pleas to empannel trav erse juries from the bystanders in all cases where the officers required by law to empannel juries have failed or refused to discharge that duty	560	560, 561	561	579		596	Slack.
221	A bill to confirm the title to certain swamp lands	580	580, 604, 846, 847					Wilson.
222	A bill to prescribe the mode of taxing the Bank of the State of Indiana, to repeal the 15th section of its charter, and to prohibit said bank from issuing on its deposits	580	580, 616, 755, 756, 929	930		930		Odell.
223	A bill to amend section 11 of "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852	580	581, 604					Green.
224	A bill authorizing and empowering supervisors of highways to keep in repair roads changed by the construction or running of railroads	581	581, 604, 754	754	964	1017	1013	Turner.
225	A bill to compel the banks of this State authorized to do a general banking business, to pay deposits received by them in the transacting of a banking business, and providing penalties for failing to pay the same according to the provisions of this act	585	586, 619					Hendry.
226	A bill supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852	586	586, 619, 627, 743	743	965			Carnahan.
227	A bill to amend the 51st section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852	586	586, 620					March.
228	A bill to repeal the 51st section of "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852	588	588					Slack.
229	A bill to provide for the infliction of punishment where more than one conviction has been had against the same person at one term of any of the courts of this State, for a violation of any of the criminal laws thereof	588	588, 621, 663, 881, 882					Slack.
230	A bill to dispense with the selecting and summoning a petit jury for any court of common pleas, where the business does not require it	588	588, 621, 668					Shoemaker.
231	A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith	588	588, 589, 770, 783, 784					Kinley.
232	A bill to amend section 19 of chapter 1 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	589	589, 621, 751					Tarkington.

BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
233	A bill to regulate the fees of officers, and repealing all acts in relation thereto...	589	[661. 895, 928 589, 590, 658, 659, 660	928				Shoemaker.
234	A bill to prevent betting on elections, and providing punishment therefor.....	590	590, 622, 663					Hill.
235	A bill to compel the banks of this State to redeem their notes of issue on presentation and demand therefor, and providing penalties for failing to redeem the same according to the provisions of this act.....	590	590, 622					Weir.
236	A bill to provide for the equal distribution of property assigned for the benefit of creditors.....	590	590, 621, 929	929				March.
237	A bill authorizing a geological reconnoissance of the State, and making appropriations therefor.....	605	605, 622, 781					Joint select com
238	A bill for the better protection of orchards, gardens and vineyards.....	605	605, 622, 692, 877	877				Cravens.
239	A bill to amend section 55 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31 1852.....	606	606, 622, 750, 751, 930	930				Robinson.
240	A bill to authorize justices of the peace within their respective counties to administer oaths generally, and to legalize such as may have been administered in good faith and without fraud since the 6th day of May, A. D., 1853.....	623	623, 626, 627, 648	648				Studabaker.
241	A bill extending to the sinking fund board as re-organized, the powers exercised by the old board and applying to the new board the laws that governed the old as far as applicable to the new.....	625	626, 737, 929					March.
242	A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe-keeping of public moneys.....	626	626, 628					Craven.
243	A bill to amend section 23 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852	626	626, 737, 753, 754, 931	931				Green.
244	A bill to amend the 8th section of an act entitled "an act for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereof, and certain forms to be used in such settlements.....	626	626, 738, 754, 931	932				Green.
245	A bill to enforce the 13th article of the Constitution and to prevent negroes or mulattoes, or persons having one eighth or more negro blood, from coming into this State or settling herein, and providing penalties therefor.....	630	626, 738, 913, 943, 944					Heffren.
246	A bill authorizing the Treasurer of State to pay out moneys to aid the Indiana Historical Society, and to provide checks and restrictions in the payment of the same.....	623	632, 633	633	965	1017	1013	Select committee.

247	A bill fixing the compensation of Governor of the State and members of the General Assembly	672	672, 738, 932					Murray.
248	A bill to amend section 26 of an act entitled "an act to provide for the opening, vacating and changes of highways," approved June 17, 1852	673	673, 738, 861					Bobbs.
249	A bill for the formation of new counties and providing for the organization thereof	701	701, 702, 756, 847, 848 [870, 871, 932					Wagner.
250	A bill to authorize married women, over eighteen and under twenty-one years of age, to unite with the husband in conveying or mortgaging real estate, with the approval of a guardian, when the wife has neither father nor mother residing in the State	702	702, 882, 883					Steele.
251	A bill supplemental to an act entitled "an act fixing the times of holding courts in the eleventh judicial circuit, and prescribing the length thereof in each county thereof," approved January, 1859	706	706	706				Slack.
252	A bill to provide for the maintainance of plank roads, when they have been sold pursuant to the judgment of any court, and to define the rights of the purchasers of said roads	723	723, 751, 924	924				Conner.
253	A bill to amend the 31 section of an act entitled "an act to prevent the destruction and injury of animals, and the destruction of human life by railroads, and to provide compensation for the same," approved May 11, 1852	723	724, 767, 768, 930	931				Bobbs.
254	A bill supplemental to an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859 so as to provide for the levy of the township taxes for the year 1859, at the June term of the county board	724	724, 725	725	1015	1051	1049	Shoemaker.
255	A bill to provide for the application of any surplus that may remain in the hands of the Auditor of State after the redemption of the circulation of any bank or banking association has received on deposit money belonging to the State, and failed to pay the same	729	729, 730, 743	734	755		757	Slack.
256	A bill to aid and encourage the Indiana association for the advancement of science, and to aid in the diffusion of useful knowledge in the State	727	737, 773, 794					Kinley.
257	A bill for the relief of the lessees from the State of the water power and other privileges on the northern division of the central canal	747	748, 773, 940, 955	955	1016			Sel. committee.
258	A bill to amend the fourth section of "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857	748	748, 1017					Turner.
259	A bill to prohibit persons from preventing, hindering or delaying specie payments by the banks of this State	757	757, 809					March.
260	A bill to prohibit the taking of books from the State Library, and repealing all laws in conflict therewith	757	757, 809					March.
261	A bill defining bribery, and prescribing punishment therefor	767	767, 809					March.
262	A bill to provide for the printing and binding of 2,000 copies of the laws passed at the special session of the General Assembly in the year 1858, and at the regular session thereof in the year 1859, in the German language, and for the distribution and sale of the same	768	768, 972	972	1015	1017	1048	O'Brien.
263	A bill fixing the time of holding the courts of common pleas in the county of Wabash, and the length of the terms thereof	780	780, 810	810	1006	1006, 1051	1056	Conner.
264	A bill supplemental to an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and making the order of the board of commissioners, under section 9 of said act, final in certain cases	780	780, 812		963	966	964	Cravens

BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom Introduced.
265	A bill to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	780	780, 900					Miller.
266	A bill to amend section 19 of an act entitled "an act regarding estrays and articles adrift," approved June 16, 1852	789	789, 795, 865, 816, 817	817				Heffren.
267	A bill requiring the court of common pleas of the several counties in this State to examine the bonds of administrators, executors and guardians at least once in every six months, and to require the execution of new bonds when necessary	790	790, 804					Judiciary committee
268	A bill concerning the vending of foreign and domestic merchandize	869	869, 900					Bobbs.
269	A bill assessing a tax for common schools and providing for the collection, distribution and expenditure thereof	810	810, 900					Wagner.
271	A bill to amend the 3d section of an act entitled "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852	826	826	826	1039			Blair
272	A bill to amend the 3d section of "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof, and repealing sections 29 and 30 of said act, passed at the present session."	841	841, 842					March.
273	A bill fixing the time of holding courts in the tenth judicial circuit of the State of Indiana	845	845, 846, 901					Slack.
274	A bill to declare valid all acts done by notaries public in taking acknowledgments of deeds, and other instruments in writing, and doing other official acts after being elected to another office	848	849, 939					Weir.
275	A bill supplemental to an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852	903	903, 904	904				Stevens.
276	A bill directing county auditors and treasurers to invest common school funds in Indiana State stocks	904	904, 905, 953					Tarkington.
277	A bill to fix the terms of the Hancock circuit court after the next term thereof, and to authorize the court at each term thereof to continue in session two weeks if the business requires it	934	935	935	1039		1049	Gooding.

BILLS OF THE HOUSE.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other Proceedings.	Approved.
1	A bill to provide for taking the sense of the qualified voters of the State on calling a convention, to alter, amend and revise the constitution of the State.....	774	774, 778, 789, 975	975	1055	1049
3	A bill to amend section 302 of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize co-plaintiffs and co-defendants to testify in certain cases: also to allow defendants to certify in certain actions brought by assignees, when the assignor testifies.....	487	487, 509, 953, 1000	1001	1039	
5	A bill incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township, town or city in which the same is situate; authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and the trustees of an incorporated town to levy all taxes for schools and the building and repair of school houses, and to repeal all laws inconsistent with this act.....	486	486, 509, 747, 768	769	903, 927	928
10	A bill establishing a board of sinking fund commissioners, providing for the election and appointment of the officers thereof, and prescribing the powers and duties of said board.....	59	60, 61, 116, 117, 118, 119, 120	121	121, 127	155
11	A bill to amend section 21 of an act providing for the organization of county boards, so as to allow commissioners to make a levy of not less than one-tenth of one per cent.....	349	349, 350, 373	373		
12	A bill to prevent the issuing and circulation of unauthorized paper currency, and prescribing penalties for the issuing or failure to redeem any such currency....	206	206 243, 244, 309, 310, 311, 312	312	312, 315, 316, 417, 439 [440, 445, 471, 472, 474	532
16	A bill to amend an act entitled "an act to amend the 32d section of an act entitled 'an act defining misdemeanors and prescribing punishment therefor,' approved June 14, 1852," approved March 7, 1857.....	484	484, 509, 555, 639	639	657	662
20	A bill to prevent carrying concealed and dangerous weapons, and to provide punishment therefor.....	487	487, 509, 556, 642	642	657	662
21	A bill providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same	898	898, 933, 970	970		1062
23	A bill to legalize the commission of justice of the peace issued to L. B. Osborne, Esq., of Jackson county, and also to legalize his acts under it.....	441	441	441		

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other Proceedings.	Approved.
27	A bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the power of such consolidated company	483	483, 510, 607. 642	642	657	662
28	A bill providing for the use as evidence of depositions taken to perpetuate testimony prior to the taking effect of the revised statutes of 1852, and for the publication and recording of depositions heretofore taken or hereafter to be taken to perpetuate testimony, and for the use of such record and copies thereof as evidence	483	483. 510, 559, 643	643	863	895
29	A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, and to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act	428	428, 429, 522, 523, 541, 542, 513, 544, 545 [546, 547, 548, 611	612	640, 641, 642, 661, 662 [681, 682, 683	
35	A bill to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof	997	998, 999	999	999, 1040	1057
36	A bill to fix the time of holding the circuit courts in the ninth judicial circuit	443	443	443	448, 498, 532	532
48	A bill to amend the 6th section of "an act providing for the organization of county boards, and prescribing some of their powers and duties." approved June 17, 1852	483	483, 510, 529	529	532	533
57	A bill to amend the 74th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor." approved June 12, 1852	484	484, 510, 559, 769, 884			
58	A bill relative to the making requisitions for and the delivery up of fugitives from justice	741	741, 742, 885			
59	A bill to extend to borrowers of sinking fund, surplus revenue fund, congressional school fund, and other funds, time of payment of loans and prescribing the duties of the officers in regard thereto	485	485, 510, 596, 597	597	903, 927	928
60	A bill to authorize the county commissioners of Grant county to open a settlement with Samuel N. Woolman, and grant any relief due said Woolman	483	483, 511, 787			
67	A bill supplemental to an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof, approved May 31, 1852	348	348, 349, 351	351		359
69	A bill to repeal all general laws now in force providing for the incorporation of bridge companies, and to provide for the incorporation of bridge companies, to authorize them to construct, in connection with the bridges, causeways across					

	low bottoms, collect tolls, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate other matters properly connected the ewith	483	483, 511, 885	886	927	928
70	A bill to make certain appropriations for the purpose of digging and constructing what is known as the Grand Calumet Canal or ditch in Lake county, Indiana, and defining the duty of the swamp land commissioner of Lake county in relation thereto	483	483, 511, 538, 582 885	885	909	
72	A bill to amend sections 1 and 2 of "an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1853, and to provide for the manner of service of process	741	741, 769, 938	938	1015	1013
77	A bill providing for the election or appointment of supervisors of highways, and prescribing certain of the duties and those of county and township officers in relation thereto, and to repeal all laws conflicting therewith	793	793, 805, 806, 900, 1001			
79	A bill requiring the county from which a change of venue in a criminal case has been taken, to pay the expenses of such trial to the county in which such trial ha been had	484	484, 511, 609			
82	A bill to regulate the practice in certain cases appealed to the Supreme Court	485	485, 511, 558, 890	890	948, 963	964
85	A bill for the relief of Peter Shultz, of Green county, and releasing to him the interest which the State holds in certain lands	485	485, 511, 886	886	910	910
86	A bill for the relief of Jane Walker	482	482, 512, 887	887	903, 927	
89	A bill to amend the 3d section of "an act to incorporate the town of Peru," approved February 14, 1848	899	899, 934, 1001	1001	1052	1056
91	A bill to provide for the transfer from justices of the peace to the circuit courts or courts of common pleas, of certain cases therein named	741	741, 770, 887	887	888, 948, 963	964
93	A bill to amend the 6th section and the 3d clause of the 7th section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852	485	485, 506, 508	508	509, 509, 694 790, 837 [838, 963	964
94	A bill supplemental to an act entitled "an act to exempt property from sale in certain cases," approved February 17, 1852	897	897, 934, 993, 994	994	1014	1050
95	A bill to legalize the locations, vacations and changes of public highways in this State	450	459, 512, 609			
101	A bill to regulate the practice in civil cases in the courts of this State in taking exceptions to the overruling of demurrers	482	482, 512, 556			
103	A bill to amend the 49th section of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries. and for the regulation thereof," approved March 5, 1855, and to legalize the acts of certain officers therein named	482	482, 512, 573, 636, 637, 638	638	863	898
104	A bill to amend section 7 of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852	482	482, 513, 692, 887	889	889, 1015	1013
105	A bill to compel owners of town lots to grade and pave sidewalks, and fixing the penalty thereto	774	774, 803, 889	889	890, 948, 963	963
108	A bill to prevent the gathering of cranberries from any of the public, State or non-resident lands of this State, and providing penalties therefor	739	739, 770, 889	889	942	942

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other Proceeding.	Approved.
117	A bill to amend section 15, and to repeal sections 27 and 38 inclusive, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852, so as to give boards of county commissioners jurisdiction as to the change, laying out, and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees under said sections so repealed, to the board of county commissioners, and providing for the disposition thereof	883	883, 945, 1001, 1002	1002	1052	1057
122	A bill to authorize the holders of unauthorized paper currency to sue for and recover from persons who have issued the same, as for money had and received, without making previous holders parties to the suit, and making such currency evidence of the indebtedness	739	739, 770, 890, 891	891	948, 963	963
124	A bill to prohibit the throwing or depositing any carion or dead animal into any running stream or lake of water in this State, and to prevent the depositing or burrying any carrion or dead animal on the banks of the same, and prescribing the penalty for the violation thereof	776	776, 803, 891	891	928	941
128	A bill to regulate the practice of the supreme court in the construction and interpretation of bills of exceptions set forth in transcripts	779	779, 804			
130	A bill to compel supervisors of road districts to widen the limits of incorporated towns, and to work the same under the direction of the town council	779	779, 803, 891	892	928	942
131	A bill to secure dues from private corporations	482	482, 514, 575, 638	638	1051	726
133	A bill supplemental to an act entitled "an act to amend the 65th and 66th sections of 'an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement,' approved June 27, 1852, and supplemental thereto," approved February 20, 1855	482	482 514, 557			
134	A bill to amend the 1st section of an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852	775	775, 804, 811, 812	812	843	847
136	A bill for the protection of sidewalks in towns and villages, and for the preservation of shade trees planted along the same	775	775, 803, 892	892	928	941
138	A bill declaratory of the meaning of the 1st section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof" approved May, 31, 1852, and to legalize all wills made by married women, in pursuance of said act, since the taking effect thereof	776	776, 781, 892	893	928	

141	A bill to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them	889	889, 933, 970, 1022	1023		1057
142	A bill to authorize the board of county commissioners of the several counties in this State to make such an allowance out of the county treasury of their respective counties as will indemnify the owners of property for loss sustained by taking, carrying away or destruction of such property by any officer under and by virtue of the provisions of an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the case therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855, and to reimburse the officers named in said act, who, in good faith, have executed the provisions thereof, and have been subject to loss thereby, and authorizing an allowance to officers who have paid costs in cases of habeas corpus under said act	594	595, 622, 687, 688, 689, 893	893	894, 915, 916, 942	917
143	A bill to legalize the appraisement and assessment of property in the cities of this State, and the making out and delivery of the tax duplicate in the cities of this State, incorporated under the act of 1857	595	595 623, 894	894	928	942
144	A bill to authorize railroad companies to issue bonds, fix the rate of interest thereon, to sell or exchange the same, and to secure the payment thereof, and to authorize a sale and conveyance of the road, its franchises and privileges, or a part thereof, and to vest the title thereto in the purchasee or purchasges; to provide for a new stock, the appointment of a board of directors, and to authorize said companies to unite their roads, consolidate their stock, elect directors, assume a new name, and defining their rights and liabilities	776	776, 782, 790, 910, 971, 1002			
147	A bill to authorize the board of directors of any incorporated company to reduce the amount of its capital stock, and the nominal value of its shares, and to issue certificates therefor	465	465, 466, 537, 538, 618, 725, 803, 832, 833 [844, 849	849	864, 956, 995, 1014	1049
149	A bill amendatory of "an act concerning the partition of lands," approved May 20, 1852, to amend sections 11 and 18 thereof	741	741, 770, 1004			
150	A bill to amend sections 44, 80, 152, 173, 199, 322, 517 and 638 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the admistration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, requiring an answer to be sworn to before a judgment on default against a non-resident shall be set aside; authorizing property taken on attachment to be sold in certain cases; judges in vacation to appoint receivers, and providing for the faithful discharge of the duties; to modify, dissolve or reinstate orders of injunction granted in vacation; provisions in relation to the continuance of causes; the value of property on the foreclosure of mortgages; requiring the denial of the existence of a corporation, in certain cases, to be under oath; and requiring the clerks of courts of record to keep an execution docket, and defining what entries shall be made therein	777	777, 782			
152	A bill to provide for the making and authentication of transcripts from the records of there order's office in certain cases, and for admissibility in evidence of the same, or copies thereof	739	739, 770, 1005	1005	1040	1050
156	A bill authorizing appeals from the circuit courts to the supreme court in contested election cases	739	739, 771, 861, 862	862	869	869

BILLS OF THE HOUSE.—Continued.

Number	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other proceedings.	Approved.
158	A bill to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence and gone to parts unknown	775	775, 782, 973	973		1058
160	A bill to amend the 1st section of an act entitled "an act providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished," approved February 12, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same	777	777, 782			
165	A bill to amend the 18th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852	741	741, 770, 1005	1005	1040	1050
167	A bill to provide for the fees of sheriffs conveying convicts to the State prison, and providing punishment for violations hereof, to repeal all laws in conflict herewith	777	777, 783, 1018	1018	1152	1057
168	A bill to amend the 1st section of an act entitled "an act authorizing railroad, plank road, turnpike road and McAdamized road companies to borrow money and secure the repayment thereof by mortgage," approved February 5, 1852	444	444, 445, 449, 450	450	497, 512	512
169	A bill for the relief of the heirs-at law of John Coran, deceased, and to vest in them certain real estate which has escheated to the State	486	486, 515, 552, 939	940	963	864
171	A bill declaring it to be a misdemeanor for the clerks of the circuit and common pleas courts to refuse to issue summons and other writs in certain cases, and defining the penalties therefor	777	777, 783, 865			
173	A bill to amend the 11th section of an "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes"	777	777, 783, 1066			
175	A bill to amend section 11 of an act entitled "an act to establish courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1852, so as to extend the jurisdiction of said courts in certain cases	778	778, 784, 950		1040	1055
176	A bill to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18 1852	740	740, 771			

178	A bill fixing the times of holding courts of common pleas and the length of terms thereof in the counties of Delaware and Blackford for the year 1859 and 1860, and repealing all laws in conflict therewith	739	739, 994, 995	995	995, 1014	1050
183	A bill to authorize county auditors to collect moneys belonging to common school fund by suit or otherwise, and providing compensation for his services, also to provide punishment for a failure to perform any duties required therein	740	740, 771, 864			
186	A bill to amend section 103 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852	741	741, 772, 969			
188	A bill supplemental to an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855, providing for additional securities in the delivery, surrender, exchange or sale of stocks or bonds deposited under said act	778	778, 784, 785, 833, 1007	1007	1052	1061
193	A bill relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries	898	898, 934, 958, 959, 960, 961, 962, 1000, 1021	1021	1052	1056
195	A bill to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public money of the State, and for the safe keeping of the public money	715	715, 716, 717, 718, 719, 720, 721, 722	722	833, 836	
198	A bill to prohibit the owner or owners, or those having the management of certain stock, from allowing the same to run at large, and prescribing penalties therefor	777	777, 784, 815, 1008			
199	A bill to create the fourteenth judicial circuit, and to fix the time of holding courts therein	777	777, 781, 902			
201	A bill to amend the 78th section of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," so as to correct an error in said section, defining the boundaries, and defining the jurisdiction of the county of Sullivan	595	595, 623, 1007	1007	1052	1057
203	A bill to amend the 103d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852	778	778, 784, 1009	1009	1050	1058
204	A bill prescribing the duties of township assessors in making lists of the deaf and dumb and blind persons, in their respective townships, and prescribing the duties of county auditors and of the auditor of State relative thereto	778	778, 785, 1008	1008	1040	1049
206	A bill to amend the 36th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor."	778	778, 785, 1009	1009	1040	1050
208	A bill to provide for the case of removal from office, by death, resignation or inability, both of the Governor and Lieutenant Governor, declaring that the Secretary of State shall act as Governor	778	778, 785, 1010	1010	1040	1050
210	A bill to create the 15th judicial circuit	481	481, 515, 586, 587	587	648	654
215	A bill providing for locating and working highways upon county lines	883	883, 884, 911	911	928	941
217	A bill in relation to the levy of an execution or attachment on partnership property for the individual debt of one partner	775	775, 785			1050
218	A bill to fix the time for holding the courts of common pleas in the district composed of the counties of Elkhart and Lagrange, and to repeal all other laws or parts of laws inconsistent with this act	883	883, 946, 1010	1010	1040	

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other Proceedings.	Approved.
221	A bill fixing the time of holding the circuit courts in the 12th judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith	740	740, 772, 844	845	862	869
222	A bill to amend section 42 of an act entitled "an act to establish the courts of common pleas and defining the jurisdiction and duties of and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof	895	896, 946, 975	976	1055	1062
223	A bill to provide for the return of the jury in the common pleas court at the third day of the term	896	896, 945, 975	975	1052	1056
224	A bill to prevent the spread of the Canada thistle; prescribing penalties for suffering the same to mature upon cultivated farms and public highways, and to prescribe penalties for selling seeds or grain containing Canada thistle seed	778	778, 786, 816	816	836	847
225	A bill to amend the 94th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State"	740	740, 772			
226	A bill to amend section 8 of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852	883	883, 946, 1011	1011	1040	1050
227	A bill to amend an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares, and grounds or any part thereof, the making out and recording of plats of such towns, providing for the charging of the names of such towns," approved May 20, 1852	770	779, 786			
228	A bill to provide for the collection of the surplus revenue fund belonging to the counties of Dekalb, Lake and Wells, on loan at the State Treasury, and for the payment of said fund over to the treasurers of said counties	779	779, 786, 997	997	1055	1001
233	A bill to amend section three of an act entitled "an act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852	775	775, 786, 915, 1011			
234	A bill to amend the 4th, 27th, 107th and 143d sections of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith and to establish township libraries, and for the regulation thereof," and repealing all laws and parts of laws in conflict with this act	977	977, 978	978	1047, 1055	1062

245	A bill to authorize deeds and mortgages heretofore acknowledged before county auditors, to be recorded, and authorizing the same, and also the record thereof to be read in evidence, making such record notice to third persons, and making such conveyances valid	883	883, 945, 946, 954, 1011	1011	1055	1062
249	A bill to change the time of holding the common pleas court in the counties of St. Joseph, Marshall and Starke	595	595, 623, 646	646	657	662
253	A bill to provide for transferring real estate for taxation on the books of county auditors, and preserving the chain of title thereof in the recorder's office, in certain cases therein provided for	775	775, 1012	1012	1040	1050
254	A bill making the register of sales of Michigan road lands, and certified copies of entries therein, evidence, and declaring the effect thereof, and making the record of patents and certificates of purchase, and other evidence in writing of the sale of real estate, and certified copies of such records, evidence, and declaring the effect thereof	898	898, 945, 968	969	1055	1061
255	A bill to abolish complete records in the supreme court	776	776, 787, 951			
256	A bill to amend the 71st section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases" approved June 9, 1852	776	776, 786, 1044	1044	1055	1062
258	A bill to repeal the 5th section of an act entitled "an act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this or adjoining States, and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they have heretofore surveyed and located, and use and occupy the same when completed," approved February 23, 1853	740	740, 772, 1020	1020	1052	1056
262	A bill to repeal "an act to prevent railroad companies from changing their depots except on conditions therein named," approved March 4, 1853	776	776, 778, 1020, 1021	1021	1052	1058
266	A bill to provide for the transfer from the court of common pleas to the circuit court of certain cases wherein the court of common pleas has no jurisdiction	776	776			
267	A bill prescribing the time of holding and the length of terms of the courts in the third judicial circuit	742	742, 771, 828	828	837, 863	895
268	A bill prescribing the time of holding the courts of common pleas in the several counties therein named	742	742, 743	743	795	
270	A bill declaring it to be a misdemeanor to break down, or remove any fence or enclosure of any railroad, and prescribing the penalty	739	739, 792			
276	A bill to amend section 5 of an act entitled "an act to organize the supreme court and prescribing certain duties of the judges thereof,"	744	744, 788			
279	A bill to empower plank road companies to sell and convey their real and personal estate	967	967	967	1052	1056
281	A bill providing for the incorporation of canal companies	979	979, 980, 996	996	1040	1050
282	A bill concerning the sinking fund and its management, and prescribing the powers and duties of the sinking fund board and its officers	896	896, 946, 957			
284	A bill establishing fees for duties performed in the sinking fund office and in connection therewith	896	896, 946			
285	A bill authorizing the redemption of lands mortgaged or that may be mortgaged to the sinking fund or other trust funds, and the re-instating of mortgages in certain cases therein named, and to provide a remedy against bidders failing to comply with the terms of sale in cases of land sold by the sinking fund commissioners	897	897, 945			

BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other Proceedings.	Approved.
287	A bill providing for the extension of the buildings of the Hospital for the Insane, and authorizing a loan of money for that purpose	947	947			
293	A bill fixing the time and mode of electing State Printer, defining his duties, fixing compensation and repealing all laws coming in conflict with this act	897	897, 947, 974, 1012	1012	1052	
295	A bill providing for the erection of a State penitentiary north of the Wabash river, and making appropriations therefor	866	866, 867, 868, 917, 918, 919, 920	921	921, 948, 963	1057
298	A bill to provide for laying out and repairing highways upon the line between Indiana and other States	899	899, 946, 947, 1023	1024	1052	1058
299	A bill to authorize donations to be made to the State by any person or municipal corporation for building or enlarging benevolent institutions, or for the use or benefit of common schools	899	899, 947			
300	A bill providing that certain notices of public sales and other legal notices therein named shall be published in some newspaper printed at the county seat of the county wherein such notices are to be given, in all cases where a newspaper of general circulation is published at such county seat	740	740, 773, 787, 1038			
304	A bill to amend the first section of "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852	947	947, 978	979	1052	1057
306	A bill for the relief of John M. Shiery	897	897, 945, 1023	1023		1057
321	A bill regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take or charge exchange contrary to the provisions thereof, by any bank individual or corporation	1042	1042			
322	A bill authorizing the State Board of Agriculture to cause a geological reconnoissance of the State to be made, to make collections and analysis of specimens, and making appropriations therefor	1019	1019, 1020	1020	1052	1058
323	A bill to authorize married women over eighteen and under twenty-one years of age, to unite with the husband in conveying or mortgaging his real estate, with the approval of a guardian, where the wife has neither father nor mother residing in the State	896	896			
324	A bill to declare the stream of Laughery creek a navigable one from its confluence with the Ohio river to the town of Hartford, in Ohio county	896	896, 947, 1004	1005	1043	1050
325	A bill to fix the time of holding the Cass court of common leas	883	883, 925, 977	977	1052	1057
328	A bill to amend the 143d section of an act entitled "an to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and pre-					

	scr bing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,".....	936	936, 937	937	1015	1013
337	A bill providing for the allowance of compensation to clerks of the circuit and common pleas courts, and sheriffs, for extra services, and to repeal all laws inconsistent therewith.....	984	924, 969	969		
338	A bill making general appropriations for the years 1859 and 1860, and the first quarter of the year 1861.....	926	926, 927, 980, 981	981	1014, 1040	1050
339	A bill to provide for the sale of certificates of stock in the State debt sinking fund, and the appropriation of the proceeds thereof to the payment of the interest on the State debt, and of the current expenses of the State.....	936	937, 938	938	1015	
340	A bill prescribing the time of holding the circuit in the county of Sullivan, and to repeal all laws in conflict with this act.....	922	922	922	963	964
341	A bill making specific appropriations for the year A. D. 1859.....	925	925, 926, 982, 990, 991, 992, 993, 1003, 1004	1004	1022, 1029, 1030, 1052 [1054	1061
344	A bill to fix the time of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.....	923	923, 933, 939	939	965, 1014	1019

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom Introduced.
1	A joint resolution on the subject of electing a State Printer	55	55					Johnston.
2	A joint resolution relative to the claim of the State Agent Allen May and others	55	55, 56, 57, 629					
3	A joint resolution to inquire into and investigate the condition of the State Bank of Indiana, and of the several offices of State	59	59					Weir.
4	A joint resolution to provide for the recovery of money paid out of the township library fund	192	192, 193					Bobbs.
5	A joint resolution for the purpose of taking the sense of the Legislature upon the subject of the distribution of such school funds as may arise by the acts of the Legislature or otherwise	193	193, 35[illegible]					Fisk.
6	A joint resolution instructing our Senators and requesting our Representatives in Congress to vote for a law fixing the time, place and manner of electing United States Senators in each State	193	193, 238, 576					Line.
7	A joint resolution instructing our Senators and requesting our Representatives in Congress to vote for the speedy admission of Kansas and Oregon into the Union as States	216	216					Turner.
8	A joint resolution on the subject of Cuba	298	298, 458, 459, 498					Heffren.
9	A joint resolution relative to the admission of Kansas as a State	305	306, 358, 359					Wallace.
10	A joint resolution on the subject of the Wabash and Erie canal	344	345					Wallace
11	A joint resolution on the subject of the African slave trade, and for the purposes of African colonization	469	469 587, 588, 636, 669 [680	680				Jennings.
12	A joint resolution in relation to the African slave trade	469	469, 470					Turner.
13	A joint resolution instructing the Attorney General to bring suit against William R. Nofsinger, Allen May and Michael G. Bright; against all defaulting officers and other persons indebted to the State of Indiana, as such officers, or on protested bills of exchange, taken as collateral security	629	630, 631	631				Judiciary committee
14	A joint resolution to aid the Indiana Historical society in the collection of valuable historical works	693	693	694				Hamilton
15	A joint resolution giving the use of the State Library to the officers and members of the Indiana Association for the advancement of science, and the Indiana Historical Society	968	968	968				Kinley.

JOINT RESOLUTIONS OF THE HOUSE.

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other Proceedings.
1	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law giving pensions to the soldiers of 1812	1045	1045	1045	
8	A joint resolution creating a joint committee to whom shall be referred petitions, &c., on agriculture and geological surveys	207	207		
9	A joint resolution on the subject of an appropriation by the Federal Government for the improvement of Michigan City harbor	207	207		
10	A joint resolution on the subject of the admission of Oregon and Kansas into the Union	207	207		
13	A joint resolution relative to the construct on of a canal at the falls of the Ohio river	316	317	317	
14	A joint resolution instructing our Senators and requesting our Representatives to demand rent from the General Government for the use of the apartments in the State Capitol occupied by the Federal Courts.	636	637	637	1040, 1052
24	A joint resolution in relation to the settlement, adjustment and collection of the dues of the State from various officers and persons indebted thereto	972	972, 976	976	1052

SUBJECT MATTER OF.	Introduced.	MOVERS' NAMES.	Proceedings thereon.	Adopted.
To fix the per diem of Secretaries and Door-keepers	5	Johnston	5, 6	
Declaring it inexpedient to consider the subject of salaries &c.	5	Stevens	5	
To inform the House of the organization of the Senate	8	Heffren	8	8
Adopting the standing rules of the extra session of 1858	8	Murray	8	8
To appoint a committee concerning the election of a reporter	8	Wallace	8, 26, 46	8
Appointing a committee to change and arrange Senate Chamber	8	Slack	8, 9, 13	8
To adjourn over	9	Wagner	9	9
To appoint a committee to wait on the Governor	9	Heffren	9	9
To adjourn over	9	McLean	9	
Directing seats inside the bar to be prepared for reporters	9	Heffren	9	9
To direct the Door-keeper to contract for newspapers	11	Gooding	11, 12	
To appoint a select committee to investigate the title by which Hugh Miller, Walter March and D. S. Gooding hold their seats	12	Heffren	12, 13, 39	13
Authorizing the printing of the Governor's message	24	Hargrove	24	24
To direct the Secretary to furnish stationery	25	Hamilton	25	
Requiring the Secretary of State to furnish stationery	25	Tarkington	25, 26	26
Requesting the Clerk of the House to deliver certain bills	26	Heffren		26
Directing Door-keepers and Secretaries to report their assistants	26	Weir		26
To direct the Door-keeper to procure the Journal and Sentinel	28	Slack	28	28
To elect the standing committees	28	Murray	31, 34, 47, 50	
On the same subject	34	Studabaker	37, 38	
Requesting the Secretary of State to furnish the dates of certain commissions	38	Heffren		
Testing the sense of the Senate on the subject of interest on money	40	Miller	40	
To appoint a select committee to change the practice in courts, &c	40	Weir	40	
Directing the Doorkeeper to furnish postage stamps	41	Weir		41
To direct the Doorkeeper to subscribe for newspapers	50	Turner	51, 52	
Concerning the publication of the proceedings of the Senate	52	Line	52, 92, 93, 121	
Proposing to go into election of Agent of State, Canal Trustee, State Librarian, &c	52	Wallace	52, 53	
Directing the list of standing committees to be printed	53	Conner	53	53
Requiring claims to be presented to the finance committee	53	Beeson	53	
Proposing a plan for the nomination of State officers	53	Hamilton	54	
Appointing a committee to examine the embezzlement law	54	Weir	54	54
To inquire into the expediency of levying a tax for building gravel or turnpike roads	54	Stevens		54
To inquire into the law defining felonies, &c	54	McLean		54
Requiring the Doorkeeper to furnish the Revised Statutes	54	Tarkington		54

To direct the Secretary to deliver the journal of the extra session to the State Printer 58
Directing the Doorkeeper to shut off the gas from the Chamber 58
Inquiring into the expediency of changing the mode of doing township business 59
Inquiring into the expediency of reducing the price of the State printing 93
To authorize the subscribing for certain newspapers 112
To go into the election of Agent of State, Canal Trustee, &c 113
Inquiring if a Senator, elected to fill a vacancy, will hold a full term 113
Proposing to meet in the Hall of the House to receive the petition of the women of the State 114
To direct the Secretary to deliver forthwith to the State Printer the journal of the special session 122
To proceed to the election of Agent of State, State Librarian, &c 122
Inquiring into the expediency of abolishing the court of common pleas 124
Inquiring into the expediency of prohibiting the Treasurer of State from loaning State funds 124
Appointing a joint committee on swamp land funds 124
Concerning the erection of a House of Refuge 124
To proceed to the election of Agent of State and other officers 125
Directing the Doorkeeper to contract for "Brevier Legislative Reports." 126
Requesting the committee on banks to consider the expediency of amending the banking law 128
Concerning the holding of lands for the use of agricultural societies 128
Appointing a select committee to draft bill in relation to the officers of the sinking fund 129
To appoint T. B. Lane as Sergeant-at-Arms 129
Testing the sense of the Senate as to a license law for the sale of liquors 129
Directing the State Librarian to furnish the Revised Statutes of 1852 to Senators 149
To adjourn over 150
Inquiring into the expediency of devoting a portion of terms of the common pleas court to probate business 150
Instructing the committee on education to report a bill for the furnishing of the "Indiana School Journal to township libraries 155
Requiring the State Librarian to prepare a catalogue of books 156
Directing Doorkeeper to distribute public documents *pro rata* among Senators 163
To adjourn over 169
To elect President and Commissioners of the Sinking Fund 170
Requesting the State Auditor to inform the Senate of the amount of money appropriated to State Prison 171
To inquire into the right of the State to redeem the bank bonds after a certain time 171
Inquiring into the expediency of abolishing the present mode of selecting jurors 172
Concerning the expediency of redeeming the outstanding bank bonds and distributing the sinking fund 172
Directing the Secretary to furnish statement of stationery furnished officers and members at extra session 172
To instruct the committee on the organization of courts to repeal bill abolishing the common pleas court 172
Requesting Mrs. Thomas and Mrs. Birdsall to furnish copies of their addresses for publication, &c 186
Requesting the city papers of Indianapolis to publish said addresses 190
Inquiring into the expediency of publishing the acts of the Legislature in one newspaper in each county 191
To instruct the temperance committee to report a bill on the subject of retailing, embracing certain provisions 191
Requesting Attorney General to inform the Senate why a certain suit in Floyd county was dismissed 195
Requesting the Attorney General to report the number and name of the cases in which he has been employed 195
Requesting the temperance committee to incorporate certain provisions in a temperance bill 195
Inquiring into the expediency of constables filing official bonds with the township treasurer 195
Inquiring into the expediency of declaring the rights of owners of gravel roads, &c., forfeited in certain cases 195
Requesting the committee on roads to examine the propriety of revising the road law 195
Testing the sense of the Senate as to compelling the Bank of the State to pay corporation taxes 196
Declaring that Secretaries and Doorkeepers should report the number and name of their assistants 196
To change rule 53 of the Senate 196

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SUBJECT MATTER OF.	Introduced.	MOVERS' NAMES.	Proceedings thereon.	Adopted.
Inquiring into the expediency of transferring from the counties to the Auditor and Treasurer of State the care of swamp lands	197	Miller		197
As to the expediency of abolishing the regular panel of jurymen in the common pleas court	197	McLean		197
Complimentary to the management of the Institute for the Deaf and Dumb	198	Linn		198
Of inquiry as to the expediency of erecting an asylum for idiotic and imbecile youths	208	Hamilton		208
Tendering thanks to Hon. John R. Cravens	214	Wilson		214
Directing the Doorkeeper to procure and distribute certain communications	214	Hargrove		214
As to the expediency of assessing banks upon their bonds deposited and their circulation	214	Heffren		214
To adjourn over	214	Weir	214	
As to the expediency of limiting the meetings of the Trustees of Asylums to once in three months	215	Stevens		215
Instructing the committee on printing to report a bill reducing the price of State printing	215	Anthony		215
Inquiring into the expediency of taxing colored persons for school purposes	215	Kinley		215
As to the expediency of amending the law requiring justices to return fines and unclaimed fees at certain times	216	McClure		216
To direct the Secretary to deliver the journal of the extra session to the State Printer	216	Heffren	216	
To adjourn over	235	Cobb		235
Instructing Doorkeeper to arrange Clerk's room with hat pins, &c.	235	Fisk		235
Of instructions to the select committee in charge of Senate bill No. 42	236	Conley	236	
To amend the journal of the joint convention concerning the election of Prison Directors	244	Heffren	244	
As to the constitutionality of re-districting the State for Senatorial and Representative purposes	29	Miller		291
To direct the committee on swamp lands to continue their investigations commenced at special session	291	Green	291	292
Proposing a plan of selecting the new seats and desks	292	Wallace	292	
To adjourn over	299	Wagner		299
Requesting the Secretary to announce the author of each bill on reading the same	304	Green		304
Directing the Quartermaster General to report the quota of arms due the State, &c	305	Wallace		305
Inquiring if common pleas judges are required to examine the sufficiency of the security of administrators, &c	306	Jennings		306
Requesting the President of the Sinking Fund to report the losses to that fund	306	Hendry		306
Appointing a select committee to report the unconstitutional and repealed acts of 1854, 1855 and 1857	306	Gooding		306
Concerning certain deposits of the swamp land fund	306	Miller		307
To adjourn over	312	Murray		312
To go into the election of President *pro tempore*	313	Heffren		313
To adjourn over	337	Conley	337	
To adjourn over	338	Slack		338
Instructing the Superintendent of the Hospital for the Insane to report the amount of money drawn from Waba h and other counties	348	Conley		348
To inquire into the expediency of authorizing county auditors to sell mortgaged lands in certain cases	371	Johnston		371

To direct the doorkeeper to remove the new chairs from the Senate chamber	384	Johnson	385	
Requesting the trustees of the State University to furnish statement of its financial condition	402	Stevens		402
Proposing the appointment of a joint committee to witness the settlement between the outgoing and incoming Treasurer of State	409	Slack	409	
To adjourn over	409	Stevens		409
Inquiring into the expediency of authorizing the Auditor of State to pay over assets of the free banks in certain cases	414	Rice		414
Inquiring into the expediency of constructing an artesian well for the Insane Hospital	415	Steele		415
Inquiring into the power of heirs of decedent's estates to institute suit in certain cases	415	Jennings		415
Calling upon the committee on canals to return joint resolution referred to it	415	Wallace	416	
To appoint a select committee to investigate the transfer of the Wabash and Erie Canal	438	Line	439	439
Proposing additional rules to the standing rules of the Senate	453	Murray	453, 475	
Authorizing the State Librarian to sell the old desks belonging to the Senate chamber	457	Line		457
To purchase postage stamps	472	Slack		472
Concerning the payment of the common school funds by the State Treasurer	472	Conner		472
To adjourn over	488	Steele		488
Authorizing the State Librarian to sell the old desks at private sale	498	March		498
To prohibit the carrying of deadly weapons in the Senate chamber	525	Turner	525, 526	
To appoint a committee on the encounter between Senators Heffren and Gooding	526	Stevens	526	
Substitute for the above resolution	526	Murray	426	527
Granting the use of the Senate chamber to the Indiana Historical Society	527	Hamilton		527
Directing the State Treasurer to report the amount received from the General Government from erroneous swamp land sales	527	Hargrove		527
Requesting the President of the Senate to submit communication relative to swamp lands	527	Wallace		527
Requesting the Auditor of State for statement of the account between the State and Governor Wright and others	527	Slack		
To hold evening sessions three nights in each week	551	Murray		551
Directing the doorkeeper to furnish Professor Caleb Mills' "Educational Suggestions"	552	Kinley		552
Authorizing the select committee on the difficulty between Senators Heffren and Gooding to employ a clerk	581	Tarkington		581
Instructing the judiciary committee to return a bill	581	Johnston		581
To limit Senators to ten minutes in speaking	591	Conley	591, 592	
Appointing a select committee to do all which appropriating $300 to the Indiana Historical Society	593	Line	593	593
To test the sense of the Senate concerning the Wabash and Erie Canal	608	Lomax	608	
Inquiring into the expediency of lighting the State Prison with gas	608	Hill		608
Instructing the finance committee to reimburse Caleb Mills for his "Educational Suggestions"	619	Kinley		619
To adjourn over	673	Line	673	
To instruct the State Printer to bind Professor Mills' "Suggestions" with report of Superintendent of Public Instruction	748	Kinley	748	
To fix the hour of the meeting of the Senate	757	Williams	757	
Requesting the Secretary of the State Board of Agriculture to furnish premium lists of next State Fair	791	Williams		791
To go into the election of trustees for the Deaf and Dumb, Blind and Insane Asylums	791	Gooding	791, 792	
Requesting the committee on benevolent institutions to report if they have investigated charges against the Superintendent of Insane Hospital	792	Hargrove	792	
Requesting the Secretary of State to publish "an act for the more uniform mode of doing township business	811	Shoemaker		811
Limiting Senators to five minutes in speaking	818	Conley	818	818
To adjourn to an hour certain	819	Bobbs	819	
To prohibit Senators from speaking at all	819	Gooding	819	
Requesting the Governor to return Senate bill No. 102	843	Heffren	843	843
Declarative of the sense of the General Assembly as to the constitutional period of time the ef	881	Cravens	881	
Requesting the House to return Senate bill No. 186	882	Heffren		882
To print the report of the committee on benevolent institutions	925	Bobbs		925

RESOLUTIONS OF THE SENATE.—Continued.

SUBJECT MATTER OF.	Introduced.	MOVERS' NAMES	Proceedings thereon.	Adopted.
To adjourn to an evening session	925	Gooding		925
Declaratory of the sense of the Senate as to the constitutional limit for the passage of bills	955	March	955, 963, 968, 967	955
Tendering the thanks of the Senate to Hon. John R. Cravens	956	Johnson		956
Determining the time at which the Senate will adjourn *sine die*, &c	966	Johnston	996, 997	968
Authorizing the Secretary of State to print ten thousand copies of David Dale Owen's Geological Reconnoissance	1038	Willians		1038
Authorizing the Secretary of State to present certain documents, &c., to the Young Men's Mercantile Library Association of Cincinnati	1041	O'Brien		1041
Directing the Secretary of the Senate to publish the titles of all bills passed at the present session in certain newspapers	1042	Wagner		1042
Expressing the condolence of the Senate with Senator Fisk upon the death of his wife	1045	Murray		1045
To meet in evening session	1053	Murray		1053
Directing the Secretary of State to send to members and officers the Journals, &c	1054	Tarkington		1054
Directing the Doorkeeper to telegraph to absent Senators	1060	March		1060
Tendering the thanks of the Senate to Hon A. A. Hammond	1062	Green		1062
Tendering the thanks of the Senate to James H. Vawter and James N. Tyner	1062	Rice		1062
Tendering the thanks of the Senate to the Doorkeepers	1063	Green		1063

ERRATA.

Page 396, ninth line, for "No. 42" read "No. 43."
Page 427, seventh line from bottom, for "No. 17" read "No. 170."
Page 637, twelfth line from bottom, for "Senate" read "House."
Page 654, at top of page, for "554" read "664."
Page 654, eighth line from bottom, for "No. 220" read "No. 210."
Page 662, sixteenth line, for "No. 29" read "No. 27."
Page 875, first line, for "No. 193" read "No. 195."
Page 933, bottom line, for "Senate" read "House."
Page 934, fifth and eleventh lines, for "Senate" read "House."
Page 973, sixteenth line from bottom, for "No. 258" read "No. 158."